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**APPENDIX (B.)**  
**TO**  
**R E P O R T**  
**ON**  
**THE AFFAIRS**  
**OF**  
**BRITISH NORTH AMERICA,**  
**FROM**  
**THE EARL OF DURHAM,**  
**HER MAJESTY'S HIGH COMMISSIONER,**  
**&c. &c. &c.**

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**(PRESENTED BY HER MAJESTY'S COMMAND).**

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*Ordered, by The House of Commons, to be Printed,*  
*5 March 1839.*

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# APPENDIX (B.) COMMISSION

DURHAM

REPORT OF THE COMMISSIONERS OF THE LANDS AND FORESTS OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND

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[Commission by the Earl of Durham, appointing Charles Buller, Esq., to proceed with the utmost dispatch to inquire into the past and present methods of disposing of Waste Lands, Woods, Forests and other Domains and Hereditaments the Property of the Crown in Lower Canada, &c. . . . . p. [3]

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— No. 1. —

## COMMISSION.

Province of }  
Lower Canada. }

DURHAM.

VICTORIA by the GRACE of GOD, of the United Kingdom of *Great Britain and Ireland*, Queen, Defender of the Faith.

To CHARLES BULLER, Greeting:—

WHEREAS it is highly expedient and desirable that the disposal of the extensive tracts of waste land, the property of the Crown, in Our Provinces of Lower Canada, Upper Canada, Nova Scotia, and New Brunswick, and our islands of Prince Edward and Newfoundland, should be placed upon such a footing as may most effectually conduce to the increase of population and wealth in the said provinces and islands, and the general prosperity thereof, and in particular to greatly increased emigration from the mother country, both of capitalists and labourers, as permanent settlers; to the end that, while the vast but imperfectly developed resources of the said provinces and islands should as soon as possible be made fully productive, a more intimate connexion between Britain and her colonial empire in North America, founded on common interests and productive of mutual advantages, may be established and permanently secured. And whereas We have ordered and directed each of Our Lieutenant-governors of Our Provinces of Upper Canada, Nova Scotia, and New Brunswick, and our islands of Prince Edward and Newfoundland respectively, to affix the Great Seal of the province or island of which each is respectively Lieutenant-governor, to a commission addressed by Us to you, to the like effect and containing the like powers and authorities, for inquiry, touching the waste lands, the property of the Crown, in each such province or island respectively, as are hereinafter contained: Know ye, therefore, that We, reposing great trust in your zeal, ability, and discretion, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint you the said Charles Buller, to proceed with the utmost despatch to inquire into the past and present methods of disposing of waste lands, woods, forests and other domains and hereditaments, the property of the Crown, in our Province of Lower Canada, and to collect information respecting the operation thereof in regard to the advancement of our said Province, and in particular to the promotion of emigration thereto from the mother country. And Our further will and pleasure is that you, after due examination of the premises, do and shall, as soon as conveniently may be, report to us under your hand and seal, what you shall find touching or concerning the premises upon such inquiry as aforesaid, and also that you shall suggest such alterations or modifications of the laws and regulations at present in force, as may appear likely to promote the objects aforesaid. And for the better discovery of the truth in the premises, We do by these presents give and grant to you full power and authority to call before you such and so many of the officers of the Crown Lands Department and agents for emigrants, in our said Province of Lower Canada, and such other officers of the Crown, and other persons, as you shall judge necessary, by whom you may be the better informed of the truth in the premises, and to inquire of the premises and every part thereof, by all other lawful ways and means whatsoever. And We do also give and grant to you full power and authority to cause all and singular the officers aforesaid, in our said Province of Lower Canada, or any other person or persons having in their custody any records, orders, regulations, books, papers or other writings relating to or in any wise connected with the premises, to bring and produce the same before you. And for your assistance in the due execution of this our Commission, We do hereby authorize you to nominate and appoint such person or persons as you shall think fit to be assistant commissioner, or assistant commissioners, for the purposes aforesaid, or any of them, and to delegate to him or them such and so many of the powers hereinbefore vested in you as may seem expedient. And Our will is, and We do hereby direct and ordain, that the person or persons so nominated by you shall possess and exercise any powers and authorities so as aforesaid delegated to him or them, in as full and ample a manner as the same are possessed and may be exercised by you under the authority of these presents. And We do hereby further authorize and empower you, at your discretion, to appoint such person as secretary to this Our commission, as to you shall seem proper, and to frame such temporary rules, orders, and regulations with regard to the manner of disposing of such Crown lands in Our said Province of Lower Canada, as may to you appear expedient, and from time to time, at such like discretion, to alter and vary the same, due regard being had in all such rules, orders, and regulations, to any Provincial Act or Acts, and to any Royal instructions now in force in Our said Province of Lower Canada, touching or concerning the disposal of the said waste lands or any part thereof. And We do hereby further authorize and empower you to give instructions to the several officers of the Crown lands department and agents for emigrants in Our said Province, as to the performance of the duties of their respective offices, subject, nevertheless, to all such Provincial Acts or Royal instructions as aforesaid; which instructions shall be in all respects binding upon the officer or officers to whom the same shall be respectively addressed.



In testimony whereof We have caused these our letters to be made patent and the Great Seal of our said Province of Lower Canada to be affixed thereto.

Witness our right trusty and right well beloved John George Earl of Durham, Viscount Lambton, &c. &c. Knight Grand Cross of the Most Honourable Military Order of the Bath, one of our Most Honourable Privy Council, and Governor-general, Vice-Admiral and Captain General of all our Provinces within and adjacent to the Continent of North America, &c. &c. &c. &c.

At our Castle of St. Lewis, in Our City of Quebec, in Our said Province of Lower Canada, the 18th day of June, in the year of our Lord 1838, and in the first year of Our Reign.  
(signed) D. Daly, Secretary.

— No. 2. —

CIRCULAR DESPATCHES from his Excellency the Governor-General to the respective Lieutenant-Governors of Her Majesty's Colonies in *North America*.

Sir,

Castle of St. Lewis, Quebec, 18 June 1838.

IN the exercise of the powers vested in me as Governor-general of Her Majesty's colonies in North America, and with a view to the permanent establishment of an improved system in the disposal of waste lands, the property of the Crown in those colonies, and the promotion of emigration thereto upon the most extensive scale that circumstances will admit, I have prepared a Commission, directing an immediate inquiry into the subject, for each of the provinces and islands comprised in my general government; and also authorizing the commissioner therein named to issue temporary rules and regulations for the disposal of Crown lands in each colony, and to give instructions to the officers of the Crown lands department as to the performance of their duties.

I enclose the commission as prepared for the province of Upper Canada, and have to direct that you will cause the Great Seal of that province to be immediately affixed thereto, and that the commission, together with a copy of this despatch, may be published in the usual manner.

As one of the incidental, though not least desirable results of an improved system in the disposal of lands, the property of the Crown, may, I hope, be a very considerable increase in the value of all lands which have become private property; and as the expectation of such a result might lead to applications for grants of land upon the terms now in force to such an extent as should defeat, or at least seriously impede, the most beneficial operation of the improved system, and especially the very desirable result above mentioned, I have also to instruct you, that until further directions from me, you will, so far as it may be in your discretion under any Provincial Act, or Royal instructions, or otherwise, abstain from alienating any waste lands the property of the Crown. You may rely on receiving those further directions in so short a time as to prevent any inconvenience from the present suspension of your discretionary powers in this respect.

His Excellency, &c. &c.

I have, &c.  
(signed) Durham.

Sir,

Castle of St. Lewis, Quebec, 30 June 1838.

REFERRING to my despatch of the 18th instant, on the subject of Crown lands and emigration, I have now to explain to you more fully the views with which I thought it indispensable to require your co-operation in the measures which I propose to adopt for the purpose of improvement and emigration in Her Majesty's North American colonies.

In the first place, I am desirous to draw your attention to an extract, which is enclosed, from a despatch which I have addressed to Her Majesty's Principal Secretary of State for the Colonies on this subject; whereby you will perceive the great importance which I attach to an inquiry for all the colonies, with a view to the adoption of a permanent and uniform system.

But it is chiefly because I fear, that without some such precaution the announcement of this inquiry might lead to a sudden and most mischievous alienation of public property, that I have requested you, so far as your discretionary powers would admit, to preserve the public property for the most effectual attainment of a great public purpose. The only serious obstacle, as it appears to me, with which Government would have to contend, in seeking to render the Crown lands productive of a great revenue, is the very large proportion of granted lands which remain in a wild state; and this obstacle, whatever may be its present force, would of course be increased if much more Crown land were alienated, without provisions for its cultivation far more effectual than any that have hitherto been tried. On this account only, I should be glad if it were possible to put a stop to all further grants for the present.

But as this is not possible, inasmuch as laws or regulations to the contrary are in full force, I must be content with interposing, for the present, all such obstacles to the further alienation of Crown property, as may depend on the discretionary powers of the different governments under such laws and regulations. In pursuance of this view of the subject, I have to desire that, in the exercise of such discretionary powers, you will, as far as possible, rather impede than facilitate the alienation of Crown property, and more especially any alienation except for the very highest price and most ready payment that it may be lawful for you to require.

His Excellency, &c. &c. &c.

I have, &c.  
(signed) Durham.

## British North America.

### APPENDIX (B.)

#### PUBLIC LANDS AND EMIGRATION.

##### REPORT to his Excellency the GOVERNOR-GENERAL.

My Lord,

HAVING completed the inquiry directed by the five several Commissions addressed to me by your Excellency, in respect of the Colonies of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, as to the manner in which waste lands, the property of the Crown, have been disposed of within the same, I have the honour to lay before your Excellency the evidence which has been taken upon the subject of that inquiry, and in conformity with those Commissions, to suggest the improvements which seem to me desirable.

The inquiry directed by your Excellency differed in one very essential particular from those that have been previously made under the authority or for the information of the Government. All former inquiries appear to have been confined to the actual condition of the land yet remaining at the disposal of the Crown, without any reference to the character or the results of former proceedings in relation to the land which had been already disposed of. By this limitation of the subject of inquiry, however, the practical utility of the investigation was reduced to a very small amount; and any conclusions to be drawn from the facts ascertained were liable to serious modifications, from circumstances which had been entirely overlooked. A very brief examination indeed was sufficient to convince me that any information I might obtain, with respect solely to the remaining property of the Crown in the wild lands of these Provinces, must be necessarily incomplete and fallacious. I not merely found that the amount of this property was, in most colonies, altogether insignificant in comparison with the wild lands which had become private property; but I also discovered that the value of the public lands still undisposed of was entirely dependent upon the state of the appropriated lands of the colonies. It would have been useless to ascertain merely how many thousands or millions of acres of fertile land yet remain at the disposal of the Crown in these Provinces, when the success of any attempt to turn them to account must be contingent upon the proceedings adopted by the proprietors of that land over which the Crown has no control. The neglect of this consideration has led to great practical errors in the measures hitherto adopted to promote emigration and the acquisition and settlement of public lands. By withdrawing attention from every part of the colonies, except that which belonged to the Crown, it has led the Government to act as though this were the whole, or as though the situation and condition of the remainder might be safely disregarded. Acting under this impression, the Government has induced many persons to emigrate to these colonies by the offer of land upon which to settle, although the land thus promised was absolutely worthless for all purposes of cultivation, on account of the vast tracts of waste granted land that were interposed between the new grant and the settled districts of the colony. Of the persons to whom land has been thus offered, many have wasted their property in attempting to settle upon their grants; and the remainder have allowed their land to remain in a wild state, because they felt that no endeavours to reclaim it from the wilderness could be successful. These evils might probably have been avoided, if, at the time when Government instituted the inquiries previously referred to, it had directed its attention to the waste granted as well as to the waste ungranted lands in the Province. In order that similar errors may be avoided for the future, an inquiry into the nature and operation of previous methods of disposing of public lands must precede any suggestions as to the method to be pursued with regard to that which still remains undisposed of.

This course was also rendered expedient by another consideration. Looking upon these Provinces as fields for British colonization, it became obvious that their value, in this respect, depended less upon the measures which might be adopted for the future disposal of the public lands, than upon those which were employed to remedy the evils of former practices. In Upper Canada, for instance, to which by far the greater portion of emigration has of late years been directed, and which has been selected as the scene of more than one experiment in colonization by former administrations, very little more than a seventeenth part of the surveyed land remains at the disposal of the Crown. The remaining sixteen parts have been long since granted or appropriated; but of this granted land very little more than a tenth, in the whole, is occupied by settlers. This colony, having reference to the circumstances of soil, climate, and geographical position, is probably the most valuable portion of all the colonial possessions of the British empire upon the North American continent. In addition

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to a soil better adapted for the raising of grain than almost any other portion of that continent, it is so placed as to form the natural channel through which nearly all the trade of the rapidly-increasing States of the west would pass. By an outlay quite inconsiderable in comparison with the results to be obtained, a practicable water communication might be established from Lake Huron, which would shorten, by more than 300 miles, the distance from that lake to the ocean. The natural facilities of communication too, by means of the lakes by which the Province is bounded on its southern and western frontier, and the River Ottawa, which forms its north-eastern boundary, are probably superior to those possessed by any tract of country of similar extent in North America. Were it adequately settled, it could scarcely fail to be one of the most thriving countries in the new world. At present, with the greater part of its soil unoccupied, and with a population widely scattered over its surface, it is certainly one of the least thriving; and this in spite of an emigration unprecedented for the number and wealth of the emigrants. And all of its great natural advantages are altogether unavailing for public or national objects. The Government of the United Kingdom, by the profuse grants which it has made or sanctioned, has closed against its own subjects by far the larger portion of this most valuable colony. But, unless this Province is to be practically abandoned, and all the benefits that might be derived from its possession, as a home for the destitute population of the empire, and a market for the products of British industry, are to be relinquished, the attention of Government must be directed rather to the land of which it has disposed than to that which remains at its disposal; and it will be necessary to adopt means to turn the former to account, before framing plans for the wiser and more profitable management of the latter.

The case of Upper Canada is the case of all the Provinces. In some the proportion of land remaining at the disposal of the Government is greater, and in others less, than in that colony; but in every Province that which remains is valueless, so long as that which has been granted is allowed to remain unimproved. In every Province the disposal of the public land, which in new countries is the most important of all the functions of Government, must be suspended for a period of indefinite duration; or, concurrently with the measures proposed for the purpose, means must be taken to remove the obstacles to progress, occasioned by the manner in which that function has been hitherto exercised. The inquiries directed by your Excellency form the appropriate and necessary foundation for any proceedings intended to accomplish this object.

Before I proceed to detail, for your Excellency's information, the results of the investigations which I instituted, and the remedial measures which this investigation has suggested, it is expedient that I should advert to one topic, of very considerable importance, connected with the subject. The measures which I shall have to propose are of a character to demand the exercise of the powers of the Imperial Legislature; but they are, at the same time, such as that Legislature may perhaps shrink from adopting. It may be deemed that they involve too great an interference with the property of individuals, and with the rights of the provincial legislatures, to render their adoption safe or just; and it may be argued that the subject is one which appertains of right to the colonies, and upon which they alone ought to legislate. I shall hereafter, when describing the nature of those measures, and the grounds upon which they rest, advert to the particular reasons which induce me to imagine that they cannot be advantageously or effectually carried out by any other than the supreme and central authority of the empire; but, independently of those reasons, the present appears to me to be a case in which it is the plain duty of the Imperial Legislature to interfere. It is not merely that the evils in all the colonies are similar in their nature and their origin, and requiring the same remedy; nor that it is for the interests of each of these colonies that in all an uniform system should be adopted, so that the results of one system in one colony may not be counteracted by the operation of another system in one or more of the neighbouring colonies; nor that the nature of the only adequate remedy is such as to require a central control, and some efficient guarantee for its permanency; and that therefore upon all these grounds the interests of the colonies require that the supreme and central authority of the empire should interpose;—but higher interests than those of the colonies, the interests of the empire of which they form a part, demand that Parliament should establish at once, and permanently, a well-considered and uniform system. The waste lands of the colonies are the property, not merely of the colony, but of the empire, and ought to be administered for imperial, not merely for colonial, purposes. And in whatever measures may be adopted to promote emigration, or facilitate settlement, the interests of the empire are involved, and should be consulted as much as those of the colonies.

It is true that hitherto, while in name the property of the Crown, and under the control of an English minister, these lands have been in effect administered by colonial authorities for purely colonial purposes. It was indeed impossible that it should be otherwise. The execution of the instructions from time to time issued by successive Secretaries of State, or Lords of the Treasury, has of necessity been entrusted to those who, in the colonies, were the peculiar representatives of the English Crown; the Governor acting with the advice of his Executive Council. But the power nominally given to the Governor vested in effect entirely in his Council; and the members of that Council, being residents in the colony, having interests of their own to promote, or friends whom they desired to benefit, or it may be enemies whom they were willing to injure, have uniformly exercised their power for local or personal objects, unchecked by a control, which in this respect could only be nominal. Some recent proceedings of the Home Government would seem also almost to have assumed, that the practice thus pursued was right in principle, though it might be wrongly carried out, since the Government has offered to relinquish to the Colonial Legislature the future control of these lands, or at least of the funds arising from their disposal. It still, however, appears that the principle,



no less than the working of the former method, was erroneous. There can surely be nothing in the fact, that the Crown has granted to one person, or to any number of persons, a certain portion of land in any colony which can give to those persons any right to dispose of the land which has not been granted to them: but rather the first grantees, having had their share of the land, are less entitled to any voice in the disposal of the remainder than the other citizens of the empire. The only rights which they can possess are of precisely the same character and extent as those possessed by any other subject of the Crown; a right to demand that these lands shall be administered in such a manner as to promote the prosperity of the colony, and to advance the interests of the empire. These objects, properly regarded, are identical, though experience has amply shown that the one may be pursued at the expense of the other. It is for the Imperial Parliament to reconcile these different interests, and by providing for the greatest development of the resources of the colonies, to enable them to offer a market for the manufactures, and a home for the surplus population of the United Kingdom. For this purpose the acquisition of land in the colonies should be facilitated, and the funds produced by their sale should be employed, not merely in the execution of the public works, which are now so essential, but in encouraging and providing for an extensive emigration. The funds thus produced would then be applied to purposes in which the mother country and the colonies would be equally interested.

And the same reasons exist for vesting in the Imperial Parliament the application of remedies for past mismanagement in the disposal of these lands. I should be far from recommending any needless interference with merely local matters, which in almost every case are most effectually provided for by those who are immediately conversant with them. This, however, is not merely a local matter. If regarded solely as it affects the present inhabitants of the colonies, it is a matter of comparative unimportance. The present position of these countries, in reference to their unoccupied land, derives its significance and import from the fact, that it not merely retards the prosperity of the thousands by whom they are now peopled, but that it prevents the millions, to whom they might eventually afford an asylum, from enjoying the advantages to which they are entitled. And without desiring to undervalue the importance of these possessions, I may perhaps venture to say, that if Parliament will not interpose its authority for the accomplishment of these objects, if it will not devise means of cure for the evils which the Imperial Government has caused or permitted, and at the same time provide effectual securities against similar evils for the future, the North American Provinces must be nearly valueless to the empire.

I am induced to believe that this view of the subject is entertained by the more numerous and intelligent part of the colonists themselves. The demands made by the Assemblies of Upper Canada and New Brunswick to be invested with the control of this property were not founded upon any assertion of the separate and independent right of the colony to such control. It was admitted by many of those who took the lead in urging this claim, that the administration of the property belonged of right to the Imperial Legislature. But when that Legislature refused or neglected to exercise its rights, and tacitly delegated its powers to colonial authorities, it was then demanded, and with much apparent reasonableness, that the colonial authority exercising these powers should be the legislature of the Province, and not an irresponsible executive. The colonists however would, I believe, for the most part acquiesce, not merely willingly, but even gratefully, in any measure of the Imperial Parliament asserting and exercising its paramount right, so as to secure the accomplishment of those important objects which can be but imperfectly effected by a colonial legislature.

It must also, I think, be admitted, that the view entertained by the Colonial Assemblies, to which I have just referred, is well founded. And while in all the measures I shall have to recommend, I have proceeded upon the assumption that the Imperial Legislature will exercise its undoubted rights, I am also bound to recommend, that in the event of such a course not being deemed expedient, the whole control of the property should be vested in the most ample and unconditional manner in the Colonial Legislature. This is required by every principle of justice. The United Kingdom has suffered only negatively by the malpractices which have been permitted under previous systems. The advantages to be derived from the possession of colonies, for the sake of which chiefly, if not alone, it is wise to incur the expense of founding and defending them, have, under the existing system, been enjoyed by Great Britain in a very limited and partial degree. But the colonists have suffered directly and most severely by these practices. In proportion as their interests might have prospered by the adoption of a wise system in the disposal of the public lands, they have suffered by the irregular and unwise methods that have been hitherto adopted, and they have at the same time been forbidden to apply any effectual remedy to the evils thus occasioned. While therefore it appears to be the duty, no less than the right, of the Parliament of the United Kingdom to legislate upon this subject, it is equally their duty, if they consider such an exercise of their power inexpedient, to relinquish formally their control over this matter to the Colonial Legislature. At all events, if the local assembly should not legislate for the greatest advantage of the mother country as well as of the colony, it would take care that the mismanagement of the public lands was not, as has hitherto been the case under imperial management, a source of great evil to the colony.

I shall now proceed to detail very briefly the practices which have been pursued in the disposal of the public lands in each of the colonies; to describe the general character of the results which they have produced; to suggest measures of remedy for the evils thus occasioned; and to offer a plan for the future disposal of all the land yet remaining in the hands of the Government, as well as of such as may be reinvested in the Crown by the operation of the measures which I shall suggest.

## LOWER CANADA.

THE exact area of the Province of Lower Canada is as yet undetermined. Bounded to the south by the States of the Union and the Province of New Brunswick, it has no defined limit to the north, and little is known of the capabilities of that part of the country. The surveyed portion is divided into seigniories and townships. The land comprised in the seigniorial districts amounts to about 8,300,000 acres, and the surveyed lands in the townships amount to 6,169,943 acres. Of the former the whole has been granted by the Crown, subject to an obligation to concede to actual settlers; and 4,300,000 acres have been thus conceded. The quantity of land disposed of for other than public purposes in the townships is about 3,500,000 acres.

The methods of granting the public lands of this Province, founded upon instructions from the Home Government or resolutions of the Governor in Council, have been numerous, and they have widely differed in character and object.

All grants by the French government prior to the conquest were made upon one uniform system. Seigniories, as they were termed, were created in favour of certain individuals of property or influence, who were bound to grant, or, as it was termed, concede, a specified portion of the seigniorie to any applicant. The profit of the seigniors was derived from the payment of a small rent; from certain services which the tenant or *censitaire* was bound to perform; from a twelfth of the corn ground at the seigniorial mill; and from a fine upon every mutation of the property otherwise than by inheritance.

When the country fell into the hands of the English Government, lands were at first granted in free and common socage, subject apparently to no conditions, but with a reservation of a right on the part of the Crown to resume the whole or any part of the grant if required for military purposes. The quantity to be granted to any individual was fixed by regulations issued by the Lords Commissioners of Trade and Plantations in 1763, and was to be limited to 100 acres for each master or mistress of a family, and 50 acres for each white person or person of colour composing the family, with an exceptional power in the governor to increase this amount by 1,000 acres. The terms of the grant were made thus favourable in order to attract settlers from the other British North American colonies, now forming the United States. In 1776 these regulations were superseded by instructions from England, following the Quebec Act of 1774, which restored the French laws and language. These instructions directed that all future grants should be made in fief and seigniorie, in the same manner as those which had been made by the French prior to the conquest. Under these instructions three seigniories were created. In 1786 fresh instructions were issued by the British Government, addressed to Lord Dorchester, directing that grants should be made, in certain fixed proportions, to the refugee loyalists from the United States, and to the officers and privates of the 84th regiment, a colonial corps raised during the revolutionary war; such grants to be held under the Crown as seignior, and to be subject to the incidents of the seigniorial tenure. I could not discover what quantity of land had been granted under these instructions. The whole, or nearly the whole, of the grants were situated in that part of the Province which afterwards became Upper Canada; and if, which is doubtful, the grants were ever subject to the incidents of the feudal tenure, these were relinquished in the new state of things introduced by the Constitutional Act.

After the Act of 1791, which separated the Province of Quebec into the two Provinces of Lower and Upper Canada, fresh instructions were issued, which, with regard to the quantity of land to be granted, were similar to those of 1763. By these a quantity was fixed as the ordinary measure of a grant, and the same power of making an exceptional additional grant was conferred upon the Governor. But certain duties of settlement were required to be attached as a condition to every grant, in default of the performance of which the land granted was to revert to the Crown. These instructions continued in force till 1828, being in substance, and with only slight and altogether unimportant variations in form, addressed to every Governor, from Sir Alured Clarke to Lord Dalhousie.

Under these instructions, the practices introduced by the Governor and Council were,

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1. The system of leaders and associates described by Mr. Davidson, under which, by an ingenious construction, or rather evasion of the instructions, 1,200 acres were granted to each of from 10 to 40 applicants; it being perfectly notorious, and within the personal knowledge of several of the Executive Council, that the object and result of the scheme was to throw into the hands of one of the applicants, termed the leader, the whole, or nearly the whole, of the enormous quantities thus granted. With this practice, in fact, the history of the settlement of the townships of Lower Canada commences. The first grant was made to Mr. Dunn, who obtained the whole of the township of Dunham. No precise information could be obtained as to this particular grant; but it appeared that the associates, as they were termed, in this case were persons who really desired to obtain land for the purpose of settlement, and that Mr. Dunn, as the leader, assisted them with the means of establishing themselves, looking for his remuneration to the increased value which their industry must give to the remainder of the land. This township is, I believe, at the present time well settled.

It was indeed to be expected, that a practice so palpably opposed to the spirit, and even to the letter of those Royal Instructions under cover of which it was pursued, would owe its origin to some circumstance really tending to advance the settlement of the country; but the plan was too profitable to be allowed to cease with the circumstances out of which it arose. It afforded apparently so easy a method of obtaining large tracts of fertile, and as it was deemed valuable land at a very trifling expense, that its abandonment could hardly be expected. The practice was accordingly reduced to a system; and during the administration

tration of one Governor, Sir R. S. Milne, and under the same six members of the Executive Council who constituted the land board, 1,425,000 acres were granted to about 80 individuals. The profusion of this land-granting board was rewarded by the Duke of Portland by grants of nearly 120,000 acres of land, rather less than 48,000 acres being granted to the Governor, and rather less than 12,000 acres to each of the executive councillors of which it was composed.

Even during the period, however, within which these grants were made, the grantees began to discover that the very great facility with which land could be acquired, rendered its possession well nigh valueless. To settle their grants was impossible without a large immediate outlay, for the purpose of affording to the settlers the means of communicating with each other, and with a market. This work, however, could be undertaken by no one individual with effect, unless the other grantees across whose lands the road must pass joined in the work; and even had this been done, the practice of making Crown and clergy reserves, and thus withholding from settlement two-sevenths of every township, imposed upon the proprietor of the remaining land so much additional expense for which he could never expect any return. The grants, too, were so utterly disproportioned to the population and wealth of the Province, that even if all the grantees had set to work in good faith to settle their lands according to the terms of the grant, they must have been stopped by their inability to obtain settlers. In fact, even at the present moment, including squatters, and after nearly 2,000,000 acres have been disposed of in other ways, there is scarcely in the whole township land of the Province a population sufficient to settle these grants in the proportion of one family to every 1,200 acres. A few townships on the American frontier were settled from the United States. The remainder were either left entirely waste, or were abandoned by their proprietors, after a short trial had proved that any expense incurred in the attempt to improve them must necessarily prove a total loss.

2. After 1806 no new townships were granted; and the grants, which were very few in number, were almost entirely in lots of 200 acres each to actual settlers.

3. From 1814 grants were made under location tickets, with conditions of settlement. These conditions at first required, that in addition to the erection of a house, and the clearing and cultivating four acres of land on the grant, the settler should actually reside upon his lot for three years. This last condition was subsequently abandoned, and the conditions imposed amounted virtually only to a requisition that the grantee should build a hut and chop four acres of wood before a patent for his grant issued.

This practice continued till 1826, when instructions were issued from the Lords of the Treasury, establishing a system of sale by auction, the purchase-money being payable by four annual instalments, without interest. Under these regulations only such lands were open to purchasers as the Governor, on the recommendation of the Commissioner of Crown lands should select for that purpose. The instructions also permitted a sale to actual settlers of a limited quantity, subject to what was termed a quit-rent, but which was, in fact, the payment of interest at five per cent. upon the estimated value of the land.

In 1831, instructions were issued by Lord Goderich, requiring the purchase-money to be paid by half-yearly instalments with interest; but these instructions have, it appears, never been obeyed, the Governor, upon the representation of the Commissioner of Crown lands, directing that the former practice of receiving payment by annual instalments without interest, should be continued.

In 1837, instructions were issued by Lord Glenelg requiring payment of the purchase-money at the time of sale. These instructions remain in force at present, but no sales have as yet taken place under them.

Concurrently with the various systems thus briefly described, there have been numerous exceptional grants, chiefly in reward of public services. To the militia who served during the revolutionary war, 232,281 acres were granted; to the executive councillors and the Governor above referred to, about 120,000 acres; to the militia who served during the war with the United States in 1812, about 217,840; but in addition to this amount of actual grants, there remain after nearly 20 years have elapsed since these grants were first promised, unsettled but valid claims on the part of these last-named militiamen, to the amount of probably 500,000 acres. Grants have also been made to officers and soldiers of the British army, either in the form of direct grants, or of a remission of the purchase-money; to commuted pensioners; to Mr. Felton and others under orders from Lord Bathurst; to two individuals in lieu of their salary, as chairmen of the quarter sessions, for which the Assembly of the Province refused to provide. There has also been an exceptional sale in England to the British North American Land Company of nearly 800,000 acres.

In addition to all the methods of granting land described above, the plan of Crown and clergy reserves demands a separate notice.

By the Constitutional Act of 1791, it was enacted that a reserve for the support of a Protestant clergy should be made in respect of every grant under the authority of the Crown, equal in value, as nearly as the same could be estimated, to one-seventh of the land granted; and that no patent for any grant should be valid unless it contained a specification of the land reserved in respect of the granted land. This Act was the origin of the clergy reserves. The Crown reserves were the result of a plan of the Executive Council, suggested, it is said, by the President of the Council, a refugee loyalist from the United States, who seeing that the disputes which had terminated in the independence of the thirteen provinces, arose ostensibly out of questions of revenue, imagined that all such disputes might be avoided in the Canadas, by creating an independent source of revenue sufficient to provide for the expenses of the government without any necessity for having

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Min. of Ev. Q. 86.

Min. of Ev. Q. 116.

Min. of Ev. Q. 18.  
67. 110.



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recourse to the imposition of taxes. For this purpose he proposed that a reserve should be made for the Crown equal to that for the clergy; and it was imagined that as the settlement of the country advanced, this reserve would yield a large annual revenue, and obviate all questions of taxation, by rendering the Government independent of the people. Had the disposal of the public lands been conducted with prudence, and had the Government performed its part towards the improvement of the country, by assisting in opening roads, and by giving to the settlers efficient institutions, it is possible that the objects of both of these reserves might have been accomplished, although at a price far larger and more burdensome than any taxation could have been. But, with few and unfrequent exceptions, the Government took no means to forward the settlement of the country, or to provide for any of the wants of the settlers. The crown and clergy reserves were not merely allowed to lie waste, but they were carefully disposed in such a manner as to separate most completely the actual settlers, and thus to obstruct in the greatest possible degree the progress of settlement. Added to this, the improvidence which, as has been seen, marked the whole proceedings of the Government in reference to the public lands, and the recklessness with which it drew upon this fund to reward services, or to satisfy claimants, diminished the value of these reserves in common with that of all the other lands of the Province, and rendered futile every hope of drawing a revenue from them. The injury therefore which they caused to the colony, was not compensated by any benefit to the Crown or the clergy, and after existing for 35 years, the Crown reserves were at last virtually abandoned when the system of sale was introduced. The clergy reserves however still continued, until in 1831 an Act was passed by the Imperial Legislature, authorizing the sale of one-fourth of these reserves, at the rate of not more than 100,000 acres annually.

The present is not the place to enter into those aggravations of the unpopularity of the clergy reserves, which arose from the object to which they were destined. But the history of these reserves, from their being first made, down to the present time, is too characteristic an illustration of the system pursued in the management of the public lands to be passed over. By the Act of 1791, under the authority of which these reserves were made, it was directed that "whenever any grant of lands within either of the said Provinces shall hereafter be made by or under the authority of His Majesty, his heirs or successors, there shall at the same time be made, in respect of the same, a proportionate allotment and appropriation of lands for the above-mentioned purpose, (the support of a Protestant clergy), within the township or parish to which such lands so to be granted, shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit, and that no such grant shall be valid or effectual, unless the same shall contain a specification of the lands so allotted and appropriated in respect of the lands to be thereby granted, and that such lands so allotted and appropriated shall be, as nearly as the circumstances and the nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the land so granted." When the business of land granting commenced under the instructions given to the Governor of the Province in 1791, it became a question in what manner the provision quoted above, could be most effectually complied with. Various plans were suggested for the purpose by the surveyor-general; and the Executive Council, to whom all these plans were referred, decided in favour of one which proposed that every township should be laid out in lots of 200 acres, of which every seventh lot should be reserved for the clergy, making at the same time another equal reservation for the Crown. Under this system there were first two lots open for settlement, then one lot reserved for the clergy, then two lots open for settlement, then one lot reserved for the Crown, then one lot open for settlement, and so on throughout the township. In this way the reserves for the clergy were so intermixed with the lots, which were either open for grant, or reserved for the Crown, as to ensure their being, in the average, of equal value. It would seem, however, that in this arrangement both the surveyor-general and the Executive Council misconstrued the clause of the Act which directed the making of these reserves; since even assuming that the reserve for the Crown was a grant by the Crown, which it clearly was not, the reserve for the clergy, being one-seventh of a township, of which only the remaining six-sevenths were open to grant, was equal to a sixth instead of a seventh, of the land granted. Upon this original error was grafted one yet more glaring. The practice originally pursued by the Crown in the disposal of the waste public lands of the Province, was, as I have described, to grant nominally to many, but in reality to one person, in one deed, whole, or half, or quarter townships, exclusive only of the Crown and clergy reserves, and amounting therefore to five-sevenths of the entire township, or of the smaller portion granted. In the patents by which these grants were made, however, the whole of the land which had been appropriated for the clergy in the portion of the township granted, was specified as the allotment and appropriation for the support of a Protestant clergy in respect of that grant. Thus, assuming a township to contain 70,000 acres, divided into 3,500 lots of 200 acres each, which is rather more than the average dimensions of a township, but is assumed as the most simple amount for the purpose of illustration, the appropriation in respect of the clergy reserve amounted to one-seventh, or 500 lots, comprising 100,000 acres, and the Crown reserve to an equal quantity, leaving to be granted 2,500 lots, or 500,000 acres. But in the patent by which this last quantity was granted, and which recited the words of the Act, directing the specification of the reserve for the clergy, the whole 500 lots were specified; and though of equal quality with the granted land, and one-fifth in amount, were described as being equal in value to one-seventh of the land granted, as nearly as the same could be estimated. By what process of reasoning the surveyor-general could have arrived at the conclusion, that one-fifth and one-seventh were equal,

equal, it is not easy to determine; but the result was, that up to 1836 the reserve for the clergy was equal in value to one-fifth of the whole land granted by the Crown.

When the system of sale introduced by the Treasury Instructions of 1836 came into operation, the lots first sold were in most instances the Crown reserves. But here a difficulty arose. When the purchaser, having completed the payment of his purchase-money, applied for patent, these sales were considered by the Crown lawyers as equivalent to grants, and under the Constitutional Act no grant from the Crown could possess any validity unless it contained a specification of the reserve for the clergy in respect of the particular lot comprised in it. The whole of the reserve, however, which had been made for this purpose in the township within which these lands were situated, had been described in former grants; and it therefore became necessary to make a fresh reserve for the purpose. This was a natural consequence of the previous error; but it will hardly be believed that the fresh reserve, made by the surveyor-general, was again equal to one-fifth of the land granted, or 40, instead of 80 acres, upon a lot of 300 acres; so that under this practice the reserve for the clergy, taking as before the case of a township of 70,000 acres, would amount to 12,000 acres, being the original reserve of 10,000 acres, and 2,000 acres upon the sale of the reserve for the Crown in that township. But the reserve did not stop even here. When the Act of the Imperial Parliament, authorizing the sale of the clergy reserves, came into operation, and these reserves were brought into the market, the present attorney-general, whose office it was to prepare the drafts of patents, conceived that the Constitutional Act must be considered as applying also to these grants; and that, therefore, the patent must contain a specification of a reserve, even in respect of these reserves. It is to be presumed that upon a point of law such as this the attorney-general was in the right; but it certainly appears rather singular, that sales under the authority of an Act of Parliament should be invalid, because they did not comply with a provision in a previous Act specifically referring to grants under the authority of the Crown. But however this might be, it was necessary that this opinion should be acted upon, and a fresh reserve was made. Again, one-fifth was reserved, instead of one-seventh, and thus, to follow the same illustration, the reserves would be equal to 14,000 acres. It is obvious too that the system would not stop here. There must be a fresh reserve upon the 4,000 acres of additional reserves when they are sold, and again upon the 800 acres which would be reserved upon them; and this would be repeated until the process could be continued no longer. Supposing the process to be continued to this point, the reserve for the clergy would be equal to a fourth instead of a seventh of the granted land, and the clear excess would be 75 per cent. As the whole of the clergy reserves are not yet sold, it amounts at present only to 50 per cent., or 227,000 upon 446,000 acres.

But the misconstruction or violation of the law with regard to this property has not stopped here. I have already stated, that under the Act authorizing the sale of these reserves, a quantity equal to one-fourth of the whole reserve, was to be sold at the rate of not more than 100,000 acres per annum. Under this Act 299,811 acres have been sold out of 673,567, or considerably more than three-sevenths, and the sales in one year amounted to 111,000 acres. Assuming however, that only so much of the land specified as clergy reserve, as is specified in conformity with the provisions of the Constitutional Act, is really such reserve, then the amount sold is very nearly two-thirds instead of one-fourth of the whole. From the evidence of the Rev. Mr. Sewell it appears that these sales were made without the least regard to the interests of the clergy, and that the property of the Church has been needlessly sacrificed; and from that of Mr. Davidson, that the greatest part of the land so sold has passed into the hands of speculators, who have purchased with the sole view of deriving a profit from the anticipated rise in the value of land. From the first to the last, the proceedings in respect of these reserves have been marked by irregularities and errors; which, although not greater than have prevailed with regard to all the public lands of the Province, are more striking, because, in this instance, the proceedings have been in violation of a plain and positive law.

To what extent and in what manner the settlement of the Province has been retarded by means of this profusion and irregularity in the granting of land, and of the practice of withholding land from grant, may be gathered from a comparison of the population of the township districts with the amount of land granted, and from the evidence of almost every witness examined on the subject. In the absence of all precise statistical details, the former can only be ascertained approximately; but it appears that the proportion is about nine inhabitants to a square mile. Even this, however, exhibits but partially the degree to which the various methods pursued in the disposal of public lands have retarded the settlement of the Province, because it assumes that the population is equally distributed over the whole surface. This is far from being the case. In some townships upon the American frontier, the inhabitants of which have participated in the advantages derivable from the roads and markets of the United States, the population is very considerably more dense. Excluding from consideration these townships, which in fact are indebted for their comparative prosperity to the extent to which they have been withdrawn from the influence of the colonial administration, it may be doubted whether the average population is four to a square mile, and in some extensive and fertile tracts, the whole, or nearly the whole of which has been granted by the Crown, it is not one to every 10 square miles. It is needless to refer to any evidence for the purpose of proving that such a population is poor and unprogressive. The evidence, however, of Mr. Kerr, Mr. Russell, Mr. Stayner, and others, furnishes in detail some of the more striking results of the practices I have described, and exhibits the manner in which these results have been produced.

I shall hereafter, when I have described the systems of land-granting pursued in the other North American colonies, to which the labours of this commission extended, advert more particularly

Min. of Ev. Q. 531,  
et seq.

Min. of Ev. Q. 163.

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ticularly to those evils which in all cases have arisen from the neglect and improvidence that have characterized this department of the administration. But I must here refer briefly to the delays and impediments which were necessarily thrown in the way of the poorer applicants for land in consequence of the central character of the system of government established in Lower Canada, and the want of any efficient local agency for the management of this branch of the public service. With the exception of the attempts which were made to remedy this inconvenience by the establishment of land boards prior to the division of the Province, and in later years by the appointment of township agents, the operation of both of which was temporary and partial, no right to occupy land could be obtained except by means of a personal application to the Governor at Quebec. And even when by means of these local agencies, a qualified and incomplete right of occupancy was obtained, a satisfactory title to the land could only be procured at the seat of government. To the majority of the settlers this was equivalent to an absolute refusal of a grant, since the expense of a journey to the capital of the Province, and of a residence there for the period required in order to obtain a grant or a title, was greater than the purchase-money of the land would have been. Added to this, the time occupied in obtaining a patent, even when an agent was employed, was on the average 16 months. Numbers consequently who were disposed to settle, preferred occupying the first vacant lot without title, trusting to the justice or the negligence of the Government for the undisturbed enjoyment of whatever improvements they might effect. Numbers, too, it cannot be doubted, preferred emigrating to the United States, where land might be obtained, at a higher nominal price indeed, but with a certainty and facility which in fact made it much cheaper.

The surveys of the township lands also were so imperfect and erroneous as to add very considerably to the practical difficulties in the way of settlement. Instances have occurred in which the lots professed to be granted had no existence except on the diagram in the surveyor-general's office. Yet more numerous were the cases in which a person receiving a grant of 200 acres, found that the lot assigned to him contained from 40 to 80 acres more or less than its assumed dimensions. In many instances the grant was without a boundary, or its figure and boundaries were totally different from those which, by reference to the map, would be found to have been assigned to it. It will be obvious that a very general uncertainty and distrust must have been produced by these errors, and that the desire of improvement in almost every settler must have been checked by fears, lest a more accurate survey should demonstrate that the land which he had cleared and cultivated belonged to some other individual or to the Crown.

In making these last statements, it is due, however, to the individual by whom the office of surveyor-general is at present held, to state, that he cannot be held responsible for the errors I have described. From the system pursued originally, the greater part of the surveys were made by persons who were only nominally under the control of his department. The surveyor employed for the purpose was paid by the person to whom the land, when surveyed, was to be granted, and those surveyors were employed who would contract for the performance of the survey upon the cheapest terms. Many professed surveys, therefore, were made by persons who never had been on the ground. The outlines of the township were run; but the interior plan was filled up entirely either according to the fancy of the surveyor or from the report of the Indians or hunters who were acquainted with the general character of the land included within the limits of the township. And even when the survey was performed under the direction of the surveyor-general, the very inadequate scale upon which his office is maintained rendered it impossible that he should exercise any effectual supervision over his subordinates. It is the more due to Mr. Bouchette to make this statement, because during the 30 years that he has filled the office of surveyor-general, he appears always to have laboured zealously according to his means to advance the interests and to facilitate the settlement of the Province.

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THE area of the surveyed parts of this Province is stated to be 17,653,644 acres. Out of this there have been reserved for roads 450,000 acres, for the clergy 3,205,687; there have been granted and appropriated 13,660,838 (total, 16,508,525), and there remain to be granted 1,147,019.

Min. of Ev. Q. 799.

No. 14.

In the evidence of the chief clerk in the surveyor-general's office, it is stated that rather more than 1,600,000 acres remain at the disposal of the Crown; and by a return subsequently furnished, this amount is stated at 1,697,019 acres. From a careful examination of the return itself, it, however, appears, that there is not more than the amount stated above. The error in the return has obviously arisen from its not including the reservation for roads in the enumeration of the granted and appropriated lands.

The methods of land-granting pursued in this Province have been as various as those described with reference to Lower Canada. Up to 1791, Upper Canada formed a part of the Province of Quebec, and the disposal of public lands was successively regulated by the instructions of 1763, of 1776, and of 1790, adverted to in the foregoing sketch of the systems of land-granting in Lower Canada.

After the separation of the Province, the public lands in Upper Canada were granted under instructions from the Home Government identical with those described with regard to Lower Canada, the chief object of which was to provide against evils similar to those which had been experienced in the other North American Colonies from excessive grants to individuals

viduals, and which therefore established 200 acres as the ordinary extent of a grant. These instructions continued in force, without any alteration, till 1835.

The grants to officers and privates of the 84th regiment of foot, and to the refugee loyalists from the United States and their sons and daughters (who are termed U. E. loyalists), under the instructions of 1786, were, subsequent to the division of the Province, to be made in Upper Canada, and ever since that period grants have been and continue to be made to these individuals according to the tenor of those instructions. During the continuance of the same instructions, but, it would seem, in direct violation of their spirit, grants of 1,200 acres each were made to individuals of various classes, to magistrates, barristers, &c., &c., as described in the evidence of Mr. Radenhurst. Grants, of 5,000 acres each, were also made to executive and some legislative councillors, and of 1,200 acres each to their children. Attempts appear to have been made, at a very early period, to introduce a system of granting whole townships to individuals who would undertake their settlement, similar, in many respects, to the system of leaders and associates described in reference to Lower Canada. After 10 townships had been granted in this manner, the number of applications was however so great as to determine the Council not merely to abandon the system for the future, but to rescind the grants which had been made. This was accordingly done; but by way of compensation to the persons to whom these townships had been assigned for the trouble and expense they had incurred in attempting to fulfil the conditions of the grant, each grantee was entitled to receive 1,200 acres. This compensation was accepted by all except Mr. Bercey, to whom the township of Markham had been assigned, and who, having applied himself in good faith to fulfil the conditions of the grant, was ruined by the decision of the Council to rescind it.

From 1791 to 1804 it would appear that grants were altogether gratuitous, and that no fees were payable except to an amount just sufficient to compensate the various officers concerned in passing the grant for their trouble. In the course of the latter year a scale of fees, proportioned to the extent of the grant, was introduced by an order of the Governor in Council, upon the payment of which almost any one was at liberty to obtain a grant.

The introduction of this scale of fees, from which, however, all grants to privileged persons, such as U. E. loyalists, militia, &c., &c., are stated to have been exempt, was the first attempt at system, and continued in force till 1819. In 1818, in addition to the payment of these fees, the performance of settlement duties was also required, as a preliminary condition of all grants, whether subject to the payment of fees or made to privileged persons. Under this scale of fees there were granted, in the 15 years, 388,263 acres.

In 1819 another scale of fees, nearly double in amount, was introduced. Under this scale, scarcely any grants were made, and it was in 1820 superseded by another scale of fees, which upon all grants above 500 acres amounted to 5s. per acre upon the grant. The Order in Council fixing this scale authorized the grant of 50 acres to indigent settlers without any fees. Under this authority, gratuitous grants of 50 acres each, to the amount of about 40,000 acres in the whole, were made; and grants were also made of larger quantities, subject to the payment of fees according to the scale, amounting in the whole to 72,228 acres.

In 1825 regulations were issued by the Lords of the Treasury in England directing what was termed the sale of land upon quit-rents, but what was in reality the grant of land, subject to the payment of interest at five per cent. upon its estimated value. Under this system 15,100 acres were granted.

Up to this period all grants of land had been made at the discretion of the Governor in Council, not merely so far as related to the quantity and position of the land granted, but also as to whether the party applying should receive any grant at all. The surveyor-general, under whose general direction the whole land of the Province was placed, was the individual by whom, in most instances, this discretion was exercised, since all applicants were compelled to obtain from him a certificate that the lot for which they applied was vacant and might be granted; and in all cases the adverse opinion of this officer was sufficient to prevent any grant from being made. In 1827 a Commissioner of Crown lands was appointed, who was directed by instructions from the Lords of the Treasury, dated July 1827, to assume the management of the whole of the waste and ungranted lands of the Crown. By the same instructions, all public land was to be sold by auction, and to be paid for by instalments without interest. Under this system, slightly modified in 1833 by requiring the payment of interest upon the unpaid portion of the purchase-money, rather more than 100,000 acres of Crown lands have been sold. In Upper Canada neither the instructions of Lord Goderich in 1831, nor those of Lord Glenelg in 1837, have been complied with.

There have been two cases in this colony in which the Government has delegated to others the disposal of its waste lands. A very extensive tract in the London and Western districts has been placed under the entire superintendence of Colonel Talbot, and the whole of the Crown reserves, and 1,100,000 acres in one block, in the Huron district, have been sold to the Canada Company. In the former case the delegation was more direct than in the latter, which took the form of a sale. The powers of Colonel Talbot, with regard to the whole of the tract he has been allowed to settle, are, however, apparently quite as absolute as those of the Canada Company with regard to the land they have purchased; and although there was not, so far as I could learn, any such stipulation in the arrangement with Colonel Talbot as should have exempted the land which he had not actually settled from the operation of any subsequent regulations framed by Government, yet the whole of the land thus circumstanced has been tacitly excluded from the operation of the Treasury instructions of 1827, and of those subsequently introduced. The sale to the Canada Company, though in form an exceptional method of disposing of public land, was in effect, and was intended to be, a

Min. of Ev. Q. 698.

Min. of Ev. Q. 706.  
et seq.

Min. of Ev. Q. 1051.

Min. of Ev. Q. 698.

Min. of Ev. Q. 731.

No. 17.

Min. of Ev. Q. 738.

Min. of Ev. Q. 698.  
No. 21.

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delegation of the powers of Government in this important particular to a private company, prompted, apparently, by the obvious ill success of the proceedings of the Government, and by the hope that persons having a deep pecuniary stake in the result of their measures would be more careful, and therefore more successful in their operations. The result of both these experiments has been so far fortunate, that settlement appears to have proceeded with somewhat more of rapidity and regularity upon the land thus disposed of than upon that which remained under the control of the officers of the Crown.

The quantity of Crown lands disposed of, or appropriated, according to the different plans described above, amount in the whole, including the sale to the Canada Company, to rather more than 12½ millions of acres. Of this amount there have been granted, subject to the regulations from time to time specially introduced by the Executive Council and the Home Government, not quite 600,000 acres, or considerably less than a 20th part of the whole; and with the exception of certainly less than 600,000 acres, all the granted land, or 13,000,000 acres, was disposed of prior to, or in satisfaction of claims which arose before, the year 1825, at which time the population was under 150,000. But the regulations above described, various as they were, do not comprise the whole of the modes by which land was disposed of by the Government of the Province, or by the authorities at home, whether the Lords of the Treasury, or the Secretary of State for the Colonies. The grant of 48,500 acres to Colonel Talbot, for settling a part of the enormous tract of land placed under his sole control and management, and the grant to the laird of M'Nab, by the Government of the colony, the grant of 12,000 acres to Dr. Mountain, the Bishop of Quebec, of a similar amount to the heirs of General Brock, and of 3,000 acres to Mr. Shireff, are, I am inclined to believe, only faint and inadequate specimens of the exceptional dealings in respect of rules, so little defined as apparently scarcely to allow of any proceeding being regarded as exceptional to them; although, from the general carelessness of the system, these were the only instances elicited in the course of my inquiries.

Min. of Ev. Q. 699.

Min. of Ev. Q. 1028.

In this Province also reserves have been made for the clergy and the Crown under the same authority, and in the same manner as in Lower Canada. But though here also the same original error in laying out the land to be set apart for the clergy was committed, yet, as the surveyor-general, by whom the specification to be inserted in the patent was prepared, followed the terms of the Act, and described a quantity only equal to a seventh of the land granted, there has been no such complication of errors as I have described in reference to the Lower Province. The land set apart on the map, and treated as clergy reserves, exceeds by one-seventh the amount contemplated by the Legislature, but this excess has never been included in any patent, and it therefore remains public property. A considerable proportion of it has been sold under the name of clergy reserves. This, however, is a mistake, which admits of an easy and satisfactory correction. The provisions of the Act authorizing the sale of these reserves, have, in this colony, been strictly observed. Less than one-fourth has been sold, and the sales have not amounted to 100,000 acres in any one year.

In Upper Canada, however, the reservation and application of these reserves have been the source of a widely-spread and dangerous discontent. The purpose to which they have been applied has very greatly aggravated the dissatisfaction occasioned by the effects produced by their being withheld from settlement; and at the same time the constant experience of their injurious effects upon the settlement of the Province has embittered the polemical strife occasioned by the exclusive character of their destination. It was impossible in a colony where so deep and universal an interest prevailed upon this question, while pursuing an inquiry into the operation of former methods of disposing of the public lands, to refrain from an examination into the nature of the results of this particular appropriation. With a view to the most detailed and satisfactory information upon the subject, the leading clergy of all denominations were examined. All of them, to whatever sect they belonged, confessed and lamented the injuries inflicted upon the peace of the colony by these reserves. The Archdeacon of York, the most zealous, and certainly one of the most able defenders of the right of the Church of England; the Catholic bishop, M'Donnell, eminent for his loyalty; no less than the ministers of the different sects of Presbyterians, the Methodists, and of the Congregationalists, stated their belief, in which everything that I could learn induces me fully to acquiesce, that it was vain to expect that the colony could be tranquil until this question was settled. It forms no part of the recommendations contained in this Report to suggest any measure by which this object might be accomplished, but I cannot do otherwise than point out the deep and pressing importance of the subject.

Min. of Ev. Q. 1116,  
et seq.  
Min. of Ev. Q. 1147,  
et seq.  
Min. of Ev. Q. 1184,  
et seq.; 1199, et seq.;  
1135, et seq.; 1140,  
et seq.; 1143, et seq.

In the return of granted lands accompanying this Report (No. 13), are included appropriations made shortly after the termination of the American war, to Indians of the Six Nations, who had abandoned the old seats of their tribe to establish themselves in the Province under the protection of the English Crown, as well as some smaller blocks of land which were reserved for the Indians of other tribes out of the cessions made by them of the land which they had formerly occupied. The land appropriated for the use of the Six Nations' Indians, consisted chiefly of 570,000 acres of fertile and advantageously selected land lying on each side of the Grand River, from its mouth to its source. At the present time, according to the statement of Mr. Jarvis, agent for the Indians, they do not possess, in round numbers, more than about 300,000 acres; I believe the precise amount is 187,000 acres. Of the manner in which the large portion they have alienated was acquired by the individuals into whose hands, as is stated by Mr. Radenhurst, it passed with the sanction of the Government of the colony, and nearly the whole of whom were connected with that Government, I could not obtain any testimony upon which I could feel myself justified in relying. It is, however, certain that the consideration paid for it was for the most part of merely

Min. of Ev. Q. 746,  
et seq.

Appendix (B.)

Upper Canada.

Min. of Ev.

merely temporary benefit to them. The Government, under whose guardianship the Indians were settled, and whose duty it should have been to provide efficient securities against any improvident grants, by which a provision, intended to be permanent, might be disposed of for inadequate or temporary returns, would seem, in these instances, to have neglected or violated its implied trust. To the extent of this alienation the objects of the original grant, so far as the advantage of the Indians was concerned, would appear to have been frustrated, by the same authority, and almost by the same individuals that made the grant. I have noticed this subject here for the purpose of showing that the Government of the colony was not more careful in its capacity of trustee of these lands, than it was in its general administration of the lands of the Province.

But taking into consideration this and all the other methods by which, as appears by the evidence of Mr. Radenhurst, lands might be obtained in this Province, it would seem that there is still a large amount for the granting of which no reason appears, and none could be found, without separate inspection of each of the 50,000 grants which have been made. The grants and appropriations in the whole appear by the Return No. 13 to amount, including the clergy reserves, to 16,086,626.

The grants and appropriations of which an account has been furnished are as follow :

Clergy reserves	-	-	-	-	-	-	-	-	2,395,687
U. E. loyalists	-	-	-	-	-	-	-	-	2,011,787
Militia	-	-	-	-	-	-	-	-	645,500
Under regulations of 1804	-	-	-	-	-	-	-	-	388,263
Ditto - - of 1820	-	-	-	-	-	-	-	-	72,288
Quit-rents	-	-	-	-	-	-	-	-	16,100
Discharged soldiers and seamen	-	-	-	-	-	-	-	-	440,400
Magistrates and barristers	-	-	-	-	-	-	-	-	265,500
Clergymen	-	-	-	-	-	-	-	-	36,900
Executive councillors	-	-	-	-	-	-	-	-	136,960
Legislative ditto	-	-	-	-	-	-	-	-	48,475
Surveyors	-	-	-	-	-	-	-	-	284,950
Canada Company	-	-	-	-	-	-	-	-	2,484,413
Sold	-	-	-	-	-	-	-	-	100,000
Schools	-	-	-	-	-	-	-	-	500,000
Grants of officers	-	-	-	-	-	-	-	-	92,526
Indian reserves	-	-	-	-	-	-	-	-	600,000
									<hr/> 11,397,768

leaving altogether unaccounted for 4,688,767, or considerably more than one-fourth of the whole. A small proportion of this, less probably than a tenth, is included in the land disposed of for the Government by Colonel Talbot, under the authority conferred upon him. But after allowing for this and other possible omissions of a similar character, it is still difficult to understand in what manner the greater part of this excess has been disposed of. It is not, however, impossible that upon a strict inquiry, a large proportion will be found to be still the property of the Crown, and that its supposed appropriation is the result of a practice referred to in the evidence of Dr. Baldwin, of putting fictitious names to favourable locations upon the diagram of a township in the surveyor-general's office, in order that they might be reserved for persons who possessed some particular claims upon the favour of the office. From various statements made to me in the shape of anecdotes that could not be embodied in evidence, I am inclined to believe that this practice prevailed to a very considerable extent. It has, I doubt not, very frequently happened that these fictitious names have been taken for real, and that many of the most favourable lots in the surveyed townships have been thus unconsciously reserved from settlement. To what extent this has been the case it is impossible to determine without a thorough and efficient investigation, for which neither the time nor the means at my disposal afforded an opportunity, and which, in the existing state of the surveyor-general's department, it would be very difficult to accomplish. But whatever may have been the cause of the circumstance, its existence affords a forcible illustration of the careless and irregular practices of the land-granting department.

Min. of Ev. Q. 105,5.

Perhaps, however, the most striking proof of the early improvidence of the Government in its disposal of the waste lands of the Province is to be found in the fact, that from 1783 to 1825, during which period the population had slowly grown up to 150,000 souls, the quantity granted or engaged to be granted by the Crown was upwards of 13,000,000 acres, while during the 13 subsequent years in which the population increased from 150,000 to 400,000, the quantity disposed of, including the sale of the clergy reserves, is under 600,000 acres. A fact such as this needs no comment.

In the course of the inquiries which I instituted, I heard it frequently asserted that there had been and still were many irregularities in the operation of the land-granting system, of a vexatious and harassing character, from which the poorer classes of settlers especially sustained very great inconvenience. One class of these irregularities, referred to in the evidence of Dr. Baldwin, has been noticed above, and the evidence of the same gentleman evinces the prevalent opinion upon this subject. From the observations I was able to make, I have

Min. of Ev. Q. 103,3.



## Appendix (B.)

## Upper Canada.

## No. 41.

Min. of Ev. Q. 856.

Min. of Ev. Q. 859.

little doubt that these assertions were well founded; but no specific instance of the sort came before me. Those persons residing at Toronto who had been concerned in obtaining land, possessed facilities of access to the office which freed them from some of the worst results of these irregularities; and as they were not generally persons intending to settle upon their grants, they were less affected by those delays to which they might be subject. The persons who have felt these evils in the greatest degree have been settlers in remote and thinly-peopled districts, who had, under the circumstances, no means of representing their grievances to me. Only one instance, therefore, of actual injury alleged to be sustained from this cause of late years, reached me; and that is described in a letter appended to the minutes of evidence, addressed to me at Toronto, but forwarded to me after I had left that place, and when consequently I had no means of inquiring into the truth of the complaint, or of ascertaining the cause to which it was attributable. From the evidence of Mr. Radenhurst as to the state of the surveys, and from the delay which, in spite of the willingness of that gentleman to afford me every information, I experienced in procuring the returns for which I applied, in consequence of the incomplete organization of the surveyor-general's office, and the apparent absence of all proper records of its transactions, I have little doubt but that this is by no means a solitary or uncommon instance of evils of this nature. In fact they appear to be inseparable from such a system, or rather such a want of system as that which I found to prevail in Upper Canada. With an establishment, inadequate at best, and for the last nine years under no efficient and responsible direction, it is almost a matter of course that these and similar irregularities should prevail.

## NOVA SCOTIA.

## Nova Scotia.

Min. of Ev. Q. 1225.

Min. of Ev. Q. 1241.

THE area of the land of the Province of Nova Scotia may be estimated at 8,000,000 acres. Of this amount it is assumed that less than 6,000,000 of acres are fit for cultivation. And nearly the whole of this available land is included in the 5,750,000 acres which have been already granted. It is estimated by Mr. Morris, the present surveyor-general, that of the 2½ millions of acres yet remaining at the disposal of the Crown, not more than one-eighth is suitable for the purpose of settlement.

My task in relating the proceedings of the Government in reference to the disposal of the waste lands of this Province is necessarily much simplified by the fact, that, at a very early period, the Crown divested itself of nearly all the land in the colony available for the purpose of settlement, and that consequently its subsequent operations have had little effect upon the progress or condition of the Province. The first grants of land to any considerable extent appear to have been made under instructions from the English Government issued in 1760, previously to which period grants of land had been at the discretion of the Governor and Council, and had been made with a great and seemingly judicious reserve. Of these instructions no copy remains of record in the colony, and nothing certain is known of their nature. In less than 13 years, however, after they came into operation, nearly 8,000,000 of acres, including the whole of the island of Prince Edward, then part of the Province of Nova Scotia, were granted in blocks of from 20,000 to 150,000 acres to individuals or companies residing or formed in England. All of these grants contained conditions of improvement; but after some expense had been incurred by the grantees in unsuccessful endeavours to settle the extensive tracts of which they had been made proprietors, the land was abandoned to its few inhabitants or suffered to remain absolutely waste. It still, however, continued in the possession of the grantees, and the whole Province was thus effectually closed against emigration from the mother country or the neighbouring colonies. Efforts were repeatedly made upon representations of the local government in 1773 and in subsequent years, to re-vest these lands in the Crown by a process of escheat, but were as repeatedly baffled by the influence of the absentee proprietors.

Since, however, it was felt that a valuable province, such as Nova Scotia, ought not to be left in these circumstances, the Government deemed it expedient to endeavour to attract settlers by throwing open for location, upon advantageous terms, all the land yet remaining at its disposal. A plan was accordingly framed for the purpose by the Lords Commissioners of Trade and Plantations, under which the ungranted lands of the Province in favourable situations were surveyed, and public notice was given of the intentions of Government to dispose of such lands by sale. On the appointed day 83,000 acres were accordingly offered for sale, but not a single purchaser appeared; no person apparently being willing to settle in a province, the prosperity of which had been so notoriously retarded by the early profusion of the Government. The same plan appears to have remained in force till shortly after the breaking out of the American war, at which time the sales were suspended, and orders were given to make gratuitous grants to refugee loyalists. These orders were speedily followed by directions to escheat the old excessive grants in respect of which the conditions of settlement had not been fulfilled. The execution of these directions was resisted by the proprietors of these grants, but very large tracts were nevertheless resumed, and 4,000 families were settled upon new grants. In these new grants, however, were included the whole of the escheated land, and thus a second time the Crown placed nearly the whole available land of the Province out of its own control.

In 1790, for reasons which do not appear, all further grants of land were forbidden, and this prohibition remained in force till 1808. This restriction was, however, frequently evaded by the issue of licenses of occupation to actual settlers; and those who were desirous

to settle, but could not obtain a licence, squatted upon the land. In 1808 instructions were issued by which a grant of 100 acres might be made to the head of a family, and of 50 acres to each member, not exceeding 500 acres in the whole, subject to the payment of a quit-rent of 2s. per 100 acres. This system continued in force till 1827, and the settlement of the country is stated to have proceeded rapidly under its operation. Many disputes and much inconvenience were, however, produced by the grants occasionally made of land upon which squatters had established themselves during the previous prohibition of all grants; and the appointment of local boards, adopted as a remedy for this evil, appears to have had very little influence. The practice of squatting, too, still continued, as might be expected when most of the causes to which it was attributable remained in full force, and when means were adopted to secure to the squatter the benefit of his improvements. All of these grants were made subject to a quit-rent of 2s. per 100 acres, but the payment of this never appears to have been enforced, and the quit-rents were, in 1835, commuted for a yearly sum of 2,000 £, payable by the Assembly towards the salary of the Governor.

Appendix (B.)

Nova Scotia.

In 1827 the system of sale was introduced in this colony, in spite of a report made by the Governor to Lord Bathurst, pointing out what he conceived to be the injurious results of the plan. All persons, however, who were considered to have claims for grants of land, on the ground of actual settlement and improvements, were allowed to receive them upon the former terms, if they applied before the 1st of January 1828. 2,940 persons in the whole availed themselves of this privilege; 1,620 in Nova Scotia, and 1,120 in Cape Breton.

Min. of Ev. Q. 1091.

The progress of settlement in this Province has been necessarily slow. The early grants, whether those made prior to 1773, or those to the American loyalists, still remain for the most part uncultivated. Whatever progress the population and agriculture of the colony has made of late years, appears, from the evidence, to be attributable almost entirely to the squatters, who have acquired, from the cultivation of the land itself, the means of paying the amount of fees, or the purchase money necessary to secure a title. It is stated in the evidence of Sir R. George, that a very considerable portion of the available ungranted land of the Province is occupied by squatters, and that one half of the population of Cape Breton may be assumed to consist of persons of this class.

Min. of Ev. Q. 1257.

The practices which have prevailed in the land-granting department appear to have been not more consistent with the instructions of 1827, and the subsequent instructions of Lord Goderich in 1831, than those which have been described with regard to the other provinces. The practice of free grants has been continued; out of the 6,750,000 acres disposed of by the Crown in the Province, only about 120,000 acres have been disposed of under the system of sale; and Mr. Morris, the Commissioner of Crown lands, states, that the largest portion of this has been acquired not by actual or intending settlers, but by speculators, who have been tempted by the low upset price, and have purchased on account of the timber, or with a view to profit from a future sale.

Min. of Ev. Q. 1186.

In this colony there are the same defects and irregularities in the surveys which I have described in reference to Lower and Upper Canada, and the same immediate and prospective inconveniences resulting from this circumstance.

## NEW BRUNSWICK.

THE area of the Province of New Brunswick is about 16,500,000 acres. Of this quantity there have been granted 3,000,000 acres, and sold 1,400,000; in all, 4,400,000. Of the quantity still remaining at the disposal of the Crown, it is estimated that about 11,000,000 acres are fit for settlement.

New Brunswick.

Until the year 1784 this Province formed a part of Nova Scotia, but it does not appear to what extent the lands included within its limits had been granted before the separation took place. After its establishment as a separate province, grants of land were made under the authority of instructions from the Home Government by the Governor in Council, subject to the payment of a quit-rent of 2s. per 100 acres. This system continued in force up to the year 1827, when the system of selling was introduced by instructions from the Lords of the Treasury.

The exercise of the power thus vested in the Governor and Council appears to have been characterized by very little more prudence and reserve than in the other colonies, since, although it is estimated that one half of the granted land is in the possession of actual occupants, it appears that at the present time very little more than a twentieth part is under cultivation.

In carrying out the system of sale in New Brunswick, no attention appears to have been shown to the instructions from Lord Goderich in 1831, directing that the purchase-money should be paid by half-yearly instead of annual instalments, and should bear interest. The system introduced by the Treasury instructions of 1827 would seem to have been continued till the receipt of the last instructions of Lord Glenelg in 1837. The low price of land in

Appendix (B.)  
New Brunswick.  
Min. of Ev. Q. 1680,  
et seq.

this Province, 2s. per acre, and the easy terms upon which payment is required, have led to an extensive acquisition of land by persons who have done nothing to improve it; and it appears from the evidence of Mr. Baillie, that there are great difficulties and delays in the way of obtaining a title, occasioned by the recent Act of the Provincial Parliament for regulating the disposal of waste lands.

In this Province, also, there are uncertainties and difficulties resulting from the imperfect and incomplete state of the surveys, similar to those which I have described in reference to the other colonies; and owing to the inadequate establishment of the surveyor-general's office, there is nearly a twelvemonth's business in arrear.

#### PRINCE EDWARD ISLAND.

Prince Edward  
Island.

THE history of Prince Edward Island, so far as relates to the system of land-granting, is most brief. The whole of the land was granted in one day to absentee proprietors upon terms which have never been fulfilled. To this original profusion may be attributed all the evils under which this island has laboured, and to which, in spite of unremitting exertions on the part of the provincial legislature to enforce upon the Home Government the necessity of applying some remedy, it is still exposed. In every other colony there has been such a degree of laches upon the part of the Government as in equity to preclude it from any enforcement of the original conditions upon which grants were made; but in Prince Edward Island scarcely at any time have five years been suffered to elapse without some appeal to the colonial minister, praying that the Crown would resume the grants it had made, as a measure not merely legally justifiable, but as the only measure that could free the Province from the evils that these excessive grants had inflicted. Upon one occasion the representations of the Assembly temporarily prevailed; process of escheat was adopted, and two townships were resumed by the Crown; but the influence of the absentee proprietors prevailed with the Home Government to stop the measures which had been commenced, and from that time to the present nothing has been done to enforce the settlement of the grants, the greater number of which yet remain chiefly in a wild state.

The repeated efforts of the legislature of the island to compel the forfeiture of these grants, induced the Home Government, at the same time that it refused to accede to the measures proposed for the purpose, to recommend another measure as a substitute. Accordingly, Lord Goderich, when Secretary of State for the Colonies, suggested that a tax should be imposed upon all wild land, and this suggestion was repeated by Lord Stanley, and at a later period by Lord Glenelg. The Assembly, regarding such a measure as inadequate, declined at first to entertain it, but at length, finding that there was no chance of obtaining the sanction of the Imperial Government to any bill for the escheat of the waste lands, they passed an Act imposing a tax of 4s. per 100 acres. This Act was reserved for the allowance of the King in Council, and upon the representations of the absentee proprietors, such allowance was refused.

From the preceding brief and general sketch of the history of the system of land-granting pursued in all the Provinces of British North America, it appears that similar general principles have guided the Imperial Government in framing the measures which it has successively introduced and relinquished. But although hitherto the administration of this branch of the public service has been conducted upon similar principles, the actual practice has been and continues to be different in each colony. In no two colonies, in fact, has the same system prevailed at the same time. In Upper Canada, to select a single epoch, after 1804, land was granted upon the payment of fees, to almost every applicant, in lots of from 100 to 1,200 acres, in addition to the free grants to privileged persons, and till 1818 the grants were free from all conditions. In Lower Canada, at the same time, land was being granted in tracts of from 10,000 to 40,000 acres, subject to conditions of settlement. In New Brunswick land was granted, subject to the payment of a quit-rent, while in Nova Scotia, till the year 1808, all grants of land were absolutely forbidden. And even when an uniform system of sale was professedly established, the practices in the different colonies have been as variable as they previously had been. In Upper Canada, payment of the first instalment was never required at the time of sale; the nominal price averaged 10s. per acre; and after 1833 interest was required upon unpaid instalments. In Lower Canada, payment of the first instalment was always required; the price of land has been about 8s. 6d. per acre, and interest has never been demanded. In New Brunswick the price has been about 2s. per acre, and the payment of interest has never been required. And in Nova Scotia, the same price, and the same practice of not requiring interest, has prevailed; but nearly all the land occupied for the purpose of settle-  
ment

ment has been disposed of by free grant, in spite of the instructions of the Home Government, or has been occupied by squatters. In both Upper and Lower Canada also, large free grants of land have been made even up to the present moment, in fulfilment of previous engagements on the part of the Government, while in New Brunswick no land has been disposed of, excepting by sale, since 1828. In New Brunswick, land required, or supposed to be required, for actual settlement, has been sold at 2s. to 2s. 6d. per acre, while timber land has been sold at as high a price as 10s. In Lower Canada, on the contrary, timber land has been sold at as low, and in many cases at a far lower price, than other land. The purchase in the district of Gaspé, particularly referred to hereafter, which was made entirely for the sake of the timber, was at an average price of about 8s. per acre. In Lower Canada and New Brunswick, all purchases appear to have been made *bond fide*, while in Upper Canada the vast majority of purchases appear to have been merely nominal, the bidders having no intention to become purchasers, and bidding only that they might transfer their rights to those whom they had overbid. In fact, there is scarcely a single particular, from the mode in which the land was selected for sale by the Governor, to the manner in which the title was obtained after the completion of the purchase, in which different and even opposite practices did not prevail, under what was intended and assumed to be an uniform system. It is obvious that all of these practices could not be right; but, judging from the results, it is not unfair to conclude that they have all been wrong. Almost every witness examined upon the subject condemned the practice with which he was best acquainted. Not one person could be found in any colony, even among those who might be supposed to possess a motive for looking with a favourable eye upon the system which they were engaged in carrying out, to speak in its praise. Such an unanimity of disapprobation must be allowed to possess considerable weight. In all of the colonies whose history I have previously sketched, in connection with the subject of my inquiry, the various methods of disposing of the public lands have produced results of the most disastrous character upon their progress and prosperity.

The evidence collected upon this subject, and appended to the present Report, discloses the existence of evils in every colony similar in kind and in degree, having a common cause, and involving similar consequences. The settlers, separated from each other by tracts of appropriated but unoccupied land, whether Crown or clergy reserves, or private property, have been placed in circumstances which rendered it impossible that they should create or preserve the instruments of civilization and wealth. Their numbers are too few, and their position too distant, to allow them to support schools, places of worship, markets, or post-offices. They can neither make nor maintain roads. The produce of their farms, owing to the necessarily imperfect methods of cultivation pursued under such circumstances, is small in quantity, and, owing to the difficulty and expense of conveying it to market, of little value. The money that has been expended in the acquisition and improvement of the land they occupy yields them no adequate return; and though the means of subsistence are within their reach, yet these are rude, and not unfrequently scanty, and have to be purchased by severe and oftentimes unremitting toil. The experience of the past warrants no expectation of any improvement. With very few and irregular exceptions, such a state of things has prevailed in every district of every colony, from its establishment to the present time; any increase of population having led rather to an extension of the limits of settlement than to the occupation of the unsettled lands in the midst of the old occupants. To an individual placed in this position there is, consequently, only one means of escape; the total and immediate abandonment of his farm, either selling it for what it will fetch at the moment, or allowing it to remain unoccupied till he can obtain what he considers a fair price. This is no exaggerated description of the difficulties and privations of persons so circumstanced, or of the manner in which those, who have not dissipated all their means, escape from it. The evidence of Mr. Kerr, of Mr. Russell, of Mr. Radenhurst, of Mr. Sullivan, of Mr. Rankin, and of Mr. Hawke, confirm, in the most complete manner, the above representation, as regards Upper and Lower Canada; and, with respect to Nova Scotia and New Brunswick, in addition to the evidence given before the Commission, the statements of Major Head, by whom these colonies were visited in his capacity of Assistant Commissioner, and who is himself a native of Nova Scotia, represent a degree of stagnation and decay, as existing in these colonies, which, on less credible testimony, it would be difficult to believe. The picture of deserted and ruinous dwellings, and of abandoned farms, which he draws, is such as might be expected in a country recently the victim of a hostile invasion, or in which the ungrateful soil barely repaid the labour of the cultivator. The picture, however, is drawn with respect to countries that have not felt the footsteps of an enemy for more than half a century, possessing a soil of abounding, if not of unexampled, fertility, and rich in all the elements of commercial and agricultural wealth.

In the Lower Provinces there has not been that immigration of individuals possessed of capital which took place to so great an extent into Upper Canada, and which was stimulated by the offers of the Provincial Government, and by representations, sanctioned at least, if not made, by the Government at home. The colonies of Nova Scotia and New Brunswick, therefore, afford no such striking instances of ruin to the emigrant capitalist as are furnished by the evidence taken in respect of Upper Canada; but they contain abundant proofs of the existence of those circumstances which repress industry and forbid progress. In Upper Canada the large emigration of capitalists created a temporary activity and a seeming prosperity, in which New Brunswick only partially shared. The money paid by such emigrants, as the price of the land they intended to cultivate, stimulated a speculation in lands for which it supplied the means; and the large sums expended in the clearing and

## Appendix (B.)

cultivation of their farms, although yielding no sufficient return to themselves, gave employment and subsistence to the labouring population, and enabled many of these latter to establish themselves advantageously. But all this was in its nature temporary. The emigration of capitalists well nigh ceased with the year 1834; and a progress, dependent upon this source, continued but a short time after the impulse was withdrawn. It was to no cause but the unprecedented emigration, from 1828 to 1834, that we can attribute the great increase in the price of land, which has been so often referred to as a proof of the prosperity of Upper Canada; and the present nominal prices of wild land in that colony have been maintained entirely by an expectation of a similar degree and character of emigration for the future. Still there, where the apparent prosperity has been greatest, we have at the same time the strongest evidences of the evil and injury by which it has been accompanied. The Lower Provinces, to which no similar emigration has occurred, exhibit the ordinary and inevitable results of the policy which has been pursued in their settlement, unaffected by any disturbing causes.

It is not improbable that attempts will be made to impugn the accuracy of these statements, and that comparisons will be drawn between the advance of these colonies in population, and that of the United States during the last few years, for the purpose of proving that the inferences drawn by different witnesses, and adopted in the present Report, are not warranted by the facts stated. But there are certain general facts which it is impossible to deny or evade. The enormous disproportion between the granted and cultivated land in every Province, and the great re-emigration to the United States, admit of no contradiction. Allowing that during the last few years there has been a very considerable augmentation in the number of the inhabitants, and in the agriculture and commerce of the colonies, and that, compared with their previous condition, their present circumstances exhibit hopeful signs of improvement and activity, this does not affect the truth of the representations I have made. It is still incontestably true, that after the lapse of a period varying from 60 to 10 years, less than a 20th part of the land granted by the Crown has been reclaimed from the wilderness, and that a very large proportion, if not the majority, of the emigrants from the United Kingdom, who have arrived in these colonies, have left them for another land, with no greater natural advantages of soil or position, and where they are surrounded by a people whose habits and institutions are unfamiliar to them. I do not dwell here upon the high official rank and unimpeachable personal character of many of the gentlemen by whom the obnoxious disclosures have been made, because the two circumstances to which I have just referred are notorious and indisputable. They require no weight of evidence to establish their truth, and they sufficiently prove the accuracy of the general conclusions deduced from the whole evidence.

Any comparison, too, between the increase of population in these colonies, and in the United States, is essentially fallacious. In Upper Canada, for instance, the immigration of 10 years, added to the natural increase by births, doubled the number of inhabitants; but the absolute increase was only 200,000, and the immigrants who remained in the colony, did not probably amount to more than 120,000. To have produced a similar effect upon the population of the United States would have required an immigration of nearly four millions. The proper standard of comparison would be one of the new states in the western territory, such as Illinois, where, in less than 15 years, the population has risen to a greater amount than that of Upper Canada at the present time, and in which the general advance, in every matter connected with civilization and material progress, is, beyond all comparison, greater than anything which the most favoured spots in these colonies could exhibit. It came to my knowledge, that in this state there was one town of recent foundation, in which a considerable number of English settlers were established, all of whom had originally attempted to settle themselves in Upper Canada, and had been driven from that Province by the impediments to success which they found everywhere existing; and I am credibly informed that a large portion of the population of this state was composed of persons of the same class. In the face of such facts I cannot acquiesce in any eulogy of the past system, because it has not entirely repelled or driven out all emigrants from the United Kingdom, nor prevented those who have stayed from contributing, in some small measure, to the advance of the Provinces.

The evils above described are of so prominent a character, and affect so materially the progress and wealth of every inhabitant of these Provinces, that it was impossible they should have been suffered to continue without some effort for their cure. Accordingly, it appears that in all of the colonies different measures, having for their object the removal of existing, or the prevention of future, inconveniences of this character, have been from time to time adopted. Whatever may have been the nature of these measures, or the manner in which they were intended to operate, the present condition of every colony testifies most unequivocally to their entire and absolute failure. No detailed evidence is required upon this point. Every where the circumstances against which they were directed exist in full vigour, and no traces are to be found of the existence or operation of a remedy. And upon inquiry, it appears that with scarcely any exception the various proceedings that have been at different times adopted as a remedy, have been either inoperative or injurious; either they have done nothing, or they have done mischief. A brief examination of these measures will show the causes to which their failure is attributable.

The previous history of the old American colonies had made the English statesmen of 1763, in some degree, familiar with the nature and the causes of those evils to which new countries



countries are exposed, from the manner in which the public lands are disposed of. Accordingly, in the instructions addressed to the Governor of the Province of Quebec immediately after the Peace of Paris, which secured to England the undisturbed possession of the Provinces she had conquered, we find a recognition of the existence of these evils employed as introductory to a measure of prevention. "Whereas," say the instructions, "great inconvenience has heretofore arisen in many parts of the colonies in America, from the granting excessive quantities of land to particular persons who have never cultivated the same, and who have thereby prevented others, more industrious, from improving such lands;" and this recital is followed by a declaration limiting all grants to an extent proportioned to the number of the family of the applicant, and in no case beyond such an amount as, with a large family, might be easily cultivated; though in the subsequent clause a power is vested in the Governor of increasing the grant by 1,000 acres, in cases where he might deem such increase expedient. In the instructions of 1791, the quantity to be granted was yet further limited; 300 acres being established as the general extent of a grant. This was the first and most natural expedient. The evils referred to in the extract from the instructions which I have just quoted, had been occasioned by excessive grants; what, therefore, could seem a more appropriate remedy than the prohibition of large grants for the future? The effect of the regulation, however, was not answerable to the intention of its framers. It failed partly from the abuses introduced or permitted by those to whom its execution was entrusted, but still more by its own intrinsic insufficiency. In Lower Canada these instructions were evaded by the system of leaders and associates previously referred to, and described in the evidence of Mr. Davidson. And the Home Government, by whom these instructions were framed, and by whom they were repeated from time to time, upon the appointment of each successive Governor, even up to the introduction of the system of sale in 1826, itself not merely afforded an implied sanction to this evasion, by authorizing a grant of 12,000 acres to six of the executive councillors who had formed the land board, under the authority of which these excessive grants had been made, but violated its own instructions by these grants, and by the grants to Sir R. S. Milne and others, referred to in the same part of the evidence. In these cases, and in the cases enumerated with regard to Upper Canada by Mr. Raden-hurst, the rule was evaded. But in both Provinces, and in the latter Province especially, it was found to be insufficient, even when fairly carried out. By far the largest portion of the present waste, but appropriated lands, in the Province of Upper Canada, were granted originally in 200 and 100 acre lots to U. E. loyalists and militia claimants (Return No. 16); to the former as a reward for the loyalty which induced them to abandon the United States, in order to maintain unimpaired their connexion with England, and to the latter in consideration of the services rendered during the last war with the United States. In Lower Canada also, including the grants to militia men, nearly 1,000,000 acres were granted in the spirit of these instructions, in 200 and 100 acre lots. In these cases, therefore, it is not to the extent of the individual grants that we can attribute the existence of evils of the very character pointed out in the extract quoted above; and yet such evils were produced by these grants as completely as by the most flagrant evasion or violation of the instructions of the Government. Enormous tracts of land, to the extent, in one case, of 100,000 acres, were acquired by different individuals who would neither cultivate the tracts thus acquired, nor dispose of them upon terms to attract settlers. The first plan, therefore, for preventing these evils by limiting the amount of the land to be granted to individual applicants, was proved to be altogether inadequate.

Min. of Ev. Q. 13.

Min. of Ev. Q. 699.

Min. of Ev. Q. 781.

But as a further means of preventing the evils referred to in the instructions of 1768, conditions of settlement and cultivation were attached to the greater number of the large grants of land made in Lower Canada, and to nearly all of those in Nova Scotia, New Brunswick, and Prince Edward Island. The grantee was bound to place settlers and to make improvements upon his grant within a certain fixed period, and in certain definite proportions. In default of the performance of these conditions the grant was to be void. These conditions were, however, as unavailing as the previous limitation had been. In only a very inconsiderable number of cases were they performed to any extent, and in none probably were they performed according to the terms of the grant. But though the grants thus became liable to forfeiture, this liability was seldom, in some colonies never, enforced. The land was left unsettled and waste, but it still remained the property of the grantees, only to be resumed by legal process.

The proved inadequacy of these regulations and conditions led to the adoption in 1818, both in Lower and Upper Canada, of a new system. Under this the improvement of the land and the establishment of a settler upon it, instead of being a subsequent, was made a preliminary condition of all grants, and no title to the land was to be obtained until after its fulfilment. This plan, if it had been rigidly enforced, would have greatly checked, if it had not entirely prevented, the acquisition of any land except by those who had actually settled upon it. But it was heedlessly relaxed when comparatively few grants had been made. Although, therefore, a considerable degree of settlement took place under this system, its chief effect was to occasion a certain outlay upon the land in the colourable performance of the conditions, without producing any improvement in the land, or diminishing in any degree the evils occasioned by the unsettled grants.

Min. of Ev. Q. 43.

This result is attributable chiefly to two causes; the one, the nature of a very large portion of the grants to which the conditions were made applicable; and the other, the state of the districts within which, for the most part, these grants were situated. The greater proportion of the grants were made in reward of services to U. E. loyalists and militia. Individuals of these classes were not, in the majority of cases, disposed to settle upon the land



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promised them, and they not unreasonably complained of the annexation of any conditions to what they contended was designed to be a free and unincumbered gift. It was quite fair upon every principle, that when an individual, entering the country in order that he might there find the means of bettering his fortune, applied for a grant of land upon which he could settle, the Crown should require some proof that the application was made *bona fide*, and that the applicant really designed to cultivate his grant. But it was alleged that this rule did not apply to the case of persons to whom the land had been promised as a reward for something that had been already performed. It was no favour to such persons to allow them to receive a grant upon the same terms upon which it might be obtained by almost every applicant, and a compliance with which would have destroyed its value, since the cost of performing settlement duties was greater than the selling price of the land. Great numbers of these persons, therefore, obtained location tickets, never intending to perform any conditions, and trusting that no steps would be taken by Government to dispossess them. And those who did perform the conditions, did so in the slightest and least effectual manner, merely in order to enable them to obtain a secure and marketable title. There were some, however, both of the U. E. loyalists and militia who would have been willing to occupy the land granted to them, and these, as well as the intending settlers of other classes who had obtained location tickets, applied themselves in earnest to clear and cultivate the land of which they were put in possession. But there were insurmountable obstacles in their way. The assigned lot was often at a distance from all settlements, and with no roads leading to it. Frequently it was well nigh impossible for the settler even to discover the actual position of a lot; and when he had encountered and overcome these difficulties, a more lengthened trial often convinced him that ultimate success was not to be hoped for, and compelled the abandonment of his improvements. The land granted under these conditions, added therefore to the land retained in a state of wilderness, uncultivated by the proprietor, and withheld from those who might have brought it under cultivation.

Min. of Ev. Q. 648, 649.

The uniform failure of these successive methods, added to complaints of favouritism, led, about the year 1836, to the introduction of the system of sale. In Upper Canada it appears that this system has, to a considerable extent, effected one of the intentions of its framers, by preventing the acquisition of land for any other purpose than that of actual settlement. Still the results of the system have been highly injurious in that Province, as I shall have occasion to show in connexion with another part of the subject. In Lower Canada, except in the case of purchases by squatters, it appears that the greater part of the land was purchased by speculators, and a similar result appears to have been produced in New Brunswick and Nova Scotia. In these latter colonies, therefore, the system of sale has added to whatever evils are produced by the existence of the large tracts of appropriated but unoccupied land.

Min. of Ev. Q. 38a.

None of the methods to which I have thus referred had, or were intended to have, any retrospective effect. They were prospective merely. Existing inconveniences were left untouched. All that was attempted was to prevent the occurrence of similar inconveniences in respect of any future grants. The plans successively introduced and abandoned were designed as measures of prevention, not of remedy, and, as has been shown, they failed almost entirely, even in this limited, and it might perhaps be added, unimportant, object. There have, however, been efforts on the part of the Government to remove existing, as well as to provide against anticipated evils. The measures adopted for this purpose have been two: the adoption of proceedings to procure the escheat of grants in respect of which the conditions had not been fulfilled; and the imposition of a tax upon wild lands. The former has been attempted in Nova Scotia, New Brunswick, Prince Edward Island, and Lower Canada; the latter in Upper Canada and Prince Edward Island. In the first-named Province, in which, as has been already stated, nearly the whole of the available land comprised within its limits was granted, as early as 1763, to individuals or companies residing for the most part in England, and where the result might be said to be the virtual annihilation of the colony, the intolerable evils thus occasioned led to early attempts to recover by escheat the lands so lavishly and improvidently alienated. The owners of these grants, however, many of whom had expended considerable sums in ill-directed and abortive efforts to improve them, resisted the attempt; and from their position in England, and the influence they were thus enabled to exert, resisted it with success. It is difficult to say how long this Province, the most rich in mineral wealth, and most accessible from Great Britain of all the British colonial possessions on the continent of North America, might have remained in the entire possession of these persons, had it not been for the necessity imposed upon the English Government of providing an asylum for the refugee loyalists from the United States. The Province of Nova Scotia, with its numerous and capacious harbours, its fisheries, and its mines, appeared as eminently fitted to become the home of those merchants and capitalists of the United States who were desirous of remaining citizens of the British empire, as did Upper Canada, with its fertile soil, for the agricultural class of refugees. In order to afford the means of settlement to persons of the former class, process of escheat was commenced against the proprietors of the unimproved land in Nova Scotia, and large quantities were escheated, upon which these persons were established. Both the refugees and the Government appear to have imagined that the settlements thus formed would maintain a successful rivalry in commercial enterprise with the cities on the sea-board of the United States. These hopes were, however, utterly disappointed. While the American cities advanced with unexampled rapidity, and extended their commerce in every direction, the towns founded by these refugees began to decay almost from the moment of their foundation, and speedily sank into a state of hopeless stagnation. The cause of the mortifying contrast is obvious. The former were supported by the trade of a community rapidly advancing

in numbers and wealth, whose products they exported to foreign countries, and whose wants they supplied by importation. The latter were isolated establishments, fixed in a country which not merely had but a scanty and impoverished population at the time, but which was closed against settlement by the early improvidence of the Government. The attempt to establish great commercial towns in a Province which, from the want of a population to bring its great natural sources to account, had no exports, and, consequently, no imports, necessarily failed; and all the wealth brought into the country by these refugees was in a very short period entirely wasted. The agricultural settlers experienced a similar fate. The want of roads, and the scattered position of the population, fettered their industry; while the institutions of their new country, from which every vestige of the municipal system of the old colonies was jealously excluded, prevented them from applying those remedies by which the citizens of the United States have freed themselves from similar inconveniences. The progress of the colony, therefore, was slow and languid; and even at the present time, after the lapse of more than half a century, only 1-30th of the granted land is under cultivation. Even in this case, therefore, the most favourable that could be selected, the practice of escheat may be considered to have totally failed as a remedy for the evils produced by excessive grants. In the evidence of Mr. Morris and Sir R. George, with regard to Nova Scotia, of Mr. Baillie with regard to New Brunswick, of Mr. Leclacheur with regard to Prince Edward Island, and of Mr. Davidson with regard to Lower Canada, in all of which colonies escheats have been enforced or attempted, will be found abundant proof of its general inutility. As a measure of punishment merely it has had a small and partial effect; but as a remedy it has been altogether inoperative.

There remains for consideration only the measure of a tax upon wild land. This differs in one respect from all the other devices enumerated above, inasmuch as it has proceeded not from the Home, but from the Provincial Government. There have, however, been only two colonies in which it has been attempted, Upper Canada and Prince Edward Island. In both of these the object with which it was proposed, was not so much to remedy the general evils produced by the existence of the wild land, as to compel the proprietors to contribute, at least in some small degree, towards the general revenue of the colony. The tax, therefore, was not at all in the nature of a fine. Wild land was considered as a property, and, as such, as the legitimate object of a tax, but it was rated at a less amount than land under cultivation. The law imposing such a tax proposed in both colonies, has, in both, received the sanction of the Legislature. Its operation can, however, only be traced in one, since, in Prince Edward Island, the sanction of the Imperial Government was withheld from the Act by which it was imposed. In Upper Canada, where it has existed for nearly 20 years, its operation has been in a very slight degree beneficial; and even the benefits which it has produced have been, to a great extent, counterbalanced by consequences resulting from the manner in which the law has been enforced.

The tax upon wild lands in Upper Canada was first imposed in 1820, or perhaps it should rather be said, that in that year measures were first taken to enforce its payment. A tax of this sort had previously existed; but as it was merely a personal charge upon the owner of the land, it could only be recovered in those cases in which the owner resided within the district where his lands were situated. In 1820 it was made a charge upon the land, and the sheriff was authorized to sell the land in the event of nonpayment of the tax for eight years. By the Act imposing the tax, the assessment upon any species of property cannot exceed 1*d.* in the pound. The power of assessment is vested in the magistrates of the district, who also have the sole control of the funds produced from this source. Wild land is valued at 4*s.* per acre, and land under cultivation at 20*s.*; so that the tax upon the latter is five times greater than that upon the former; and the utmost amount to which the owner of wild land can be subject under this Act, if the tax is regularly paid, is 1*s.* 9*d.* per annum for every 100 acres. There are, however, provisions in the Act for augmenting the amount of the tax if it is unpaid for more than a certain period; and there are also some small additional charges imposed by other Acts, to which wild lands are subject on account of the allowances to members of the Assembly, and the expenses of marking the boundaries of a township. The total amount, however, of all these taxes, supposing them to be unpaid for the whole period of eight years, is very little more than 4*s.* per 100 acres per annum. Of the amount raised from this source under the Act of 1820, only one-third, according to the statement of Mr. Robinson, is applicable to the making of roads; and this, being expended under the superintendence of an irresponsible magistracy, is productive of very little advantage. It appears, too, from the evidence of Mr. Radenhurst, that the tax is levied only upon such wild land as has been actually granted by the Crown by patent, and that there are upwards of 700,000 acres of wild land, private property, the patents for which have not been applied for, and the owners of which, consequently, escape the tax. In addition to this amount, there are upwards of 1,000,000 acres sold to the Canada Company similarly circumstanced, and the whole of the clergy and school and college reserves, amounting to 3,500,000 acres; so that upwards of 4,000,000 acres, or more than a fourth of the appropriated but unoccupied land of the province, escapes all contribution to the tax. It can excite no surprise, therefore, that the produce of this impost should have caused very little perceptible improvement in the country.

The tax, too, has been of very trifling advantage in stimulating the owners of wild lands to any efforts for the improvement of their property; the amount is too insignificant to give an adequate motive for such an expenditure as might attract settlers, or even to induce a sale at a reasonable price. In fact, supposing the tax to be paid regularly, it would not in five years amount, for 100 acres, to the value of a single acre, at the present average price of public land. In this respect, therefore, it has been totally inoperative. It has, however, had

Min. of Ev. Q. 1101.

Min. of Ev. Q. 790.  
et seq.

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Min. of Ev. Q. 348.

one beneficial effect, though this has resulted chiefly from the abuse of the power of sale, and has been small in comparison with what might have been obtained by a different system. In almost every case in which the tax was unpaid, the land was owned by absentee proprietors, many of whom, probably, were hardly aware that they had any such property. Land thus held was absolutely closed against settlement, since there was no possibility of obtaining a title to it. As, however, the practice was to put up for sale the whole of the land in respect of which the tax was due, at just such a price as would defray the tax and the expenses of the sale, all or nearly all of these tracts of land, passed into the hands of residents in the colony, or at least of persons who were known and might be easily found. It is stated by Mr. Kerr, that there was great collusion among the buyers at these sales; and there is no doubt that they were in effect a measure of confiscation; but it must be allowed that it was more for the advantage of the colony that these lands should be held by persons who would sell them, even at high prices, than that they should be altogether unattainable. Here, however, the advantage of the tax ceased. The quantity of land actually held in a state of wilderness has not been diminished; and the persons who have purchased at these sales are generally disposed to think that, as they have paid so small a sum for the land, they can afford to wait until they obtain their price for it. The estates of some wealthy landowners have been very greatly increased, but the improvement of the country has been in none, or but in a very limited degree, promoted by the operation of this tax.

Min. of Ev. Q. 351.

This concludes the list of the different measures adopted to prevent, or to cure those evils which, in the language of the instructions of 1763, arose from "the granting of excessive quantities of land to particular persons, who have never cultivated the same, and who have thereby prevented others more industrious from improving such lands." All these measures in their turn have failed. Excessive quantities of land have been and are owned by persons who never intended to cultivate them, and who, in spite as it would seem of the plainest dictates even of their own interest, have closed them against those by whom they might have been improved. The consequences of this state of things are detailed in the evidence appended to this report. To use the words of Mr. Kerr, inconvenience is a very faint term to employ in describing its results. Capital and labour have been wasted; settlement has been prevented, or after a brief trial the attempt has been abandoned; immigration has been checked, and of the immigrants who have reached the colonies, more than half have sought a refuge in the United States; there are not, and there cannot be, any efficient means for the administration of justice, for education, for religious instruction; few public works are undertaken, and those which have been commenced are carried on languidly and wastefully; and there is everywhere a lamentable deficiency of all those circumstances which indicate or advance civilisation. It would be perhaps beyond the truth to attribute all of these evils to the manner in which the land has been disposed of. Other causes have no doubt contributed to produce this result. But incontestably the main and primary cause has been the profusion of Government in the disposal of the public lands.

That the colonies should be left in such a position as that which all the evidence concurs in describing, cannot assuredly be contemplated for a moment. Still less can the English Government persevere in encouraging emigration to these Provinces, unless perhaps in the case of those who, having no wealth but their labour, can without loss leave the colonies for the United States, as soon as they discover that in the latter the remuneration for labour, and the prospects of industry, are greater than in the former. If the Imperial Legislature will not devise a remedy for the evils which the Imperial Government has occasioned or sanctioned, at least it is the imperative duty of the Government of the present day to refrain from adding to the numbers of those who, having been tempted by the offer of land, or induced by false or partial representations of the circumstances of the colonies, have been led to emigrate to their ruin. In fact, for the purposes of colonization, all these colonies may be said to be perfectly valueless at the present time. With the single exception of New Brunswick, the quantity of ungranted land remaining at the disposal of the Government, bears but a small proportion to the waste land the property of individuals, and is far less available for the purpose of settlement. And even in New Brunswick, the 11,000,000 acres remaining at the disposal of the Crown cannot be profitably occupied while the four and-a-half millions which have become private property remain uncultivated. Until the granted wastes shall be filled up with population, and intersected by available means of communication, Government is necessarily restrained from the exercise of one of its most important functions, by the risk of injuring those whom it designs to benefit. It will be expedient, doubtless, that some measures should be taken to regulate the future disposal of the waste public lands; but this can be of no immediate advantage. The wisest measures for the future must be nugatory until the evils of the past have been remedied; when this is done, it will be time enough to determine the future proceedings to be adopted in reference to this property.

It may be urged that this is a matter chiefly concerning the colonies; one, too, upon which they have borne impatiently the former interference of Government, and with regard to which, therefore, they would be disposed to resent any legislation by the British Parliament. I have already referred to the general grounds upon which this objection rests; but I may here call attention to the different feeling with which the colonists might be expected to regard a measure of the Imperial Legislature, of which the motive and object were seen to be the removal of the very circumstances that have occasioned their complaints, from that excited by those proceedings of the Imperial Executive to which these circumstances have been owing.

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owing. But the mere anticipation of the possibility of such an objection, can form no ground for refusing to entertain the subject; and the concurrent statements of individuals of almost every class in the colonies, landholders as well as others, show that the necessity of some remedial measure is felt, and its advantages fully appreciated. There may be some interests in the colonies as well as in England opposed to such a measure, but this rather forms a reason for the interference of Great Britain, by whose policy these conflicting interests have been created. The condition of the colonies, too, demands that some effort should be made; and it is neither prudent nor just that the country that has occasioned should shrink from repairing the mischief.

It appears that any plan that can be proposed must partake of the nature of one or the other of the two measures by which this has been already attempted. The one is the process of escheat; the other the imposition of a tax. The effect of the former would be to re-invest in the Crown large tracts, in respect of which the conditions of the grant have not been performed; of the latter, to raise from the land a revenue for the improvement of the country, by means which would at the same time induce the owners of the wild land to make some effort to settle and improve their property, and which would facilitate the success of their endeavours.

It must be confessed that the failure of all the attempts that have been made to carry the former plan into effect, forms no sufficient argument against its employment for the future. The measures adopted for the purpose have been so incomplete and desultory, so partial in their scope, and inadequate in their machinery, and so completely without any guarantees for the wiser disposal of the land which might be thus recovered for the public, that their ill-success proves nothing against the principle of the proceeding. But there are in the circumstances of the colonies, and in the nature of the conditions imposed upon the grants, reasons which appear to render the adoption of any such plan inexpedient for the future. In many cases the fulfilment of the conditions upon which grants were made, has been rendered impossible by the Government. In the two Canadas especially, the Crown and clergy reserves were alone sufficient to render the settlement of the townships, according to the terms of the grant, absolutely impossible; and when the injury inflicted by the manner in which these reserves were laid out, was pointed out by the Provincial Government, their remonstrance was unheeded; and a plan, which their experience of its results led them to condemn, was maintained, in spite of their protest, by the English Minister to whom their complaints were addressed. To compel the forfeiture of grants on account of the non-performance of impracticable conditions, would be ungracious if not unjust, even if they remained in the hands of the original grantees; and when, as is the case in the majority of instances, these grants have passed by sale into the hands of other parties who were emboldened to purchase by the tacit acquiescence of the Government for a period of from 30 to 40 years in the non-performance of the conditions, the hardship of such a step would be greatly enhanced. Although it is true that the present holders can have acquired no rights which were not possessed by those through whom they derived their titles, yet they may fairly be considered as having an equitable claim, which the Government is bound to respect. The same arguments will apply more or less to all the other colonies, with the exception, perhaps, of Prince Edward Island, where the Provincial Government has never desisted from endeavours, which have been unhappily defeated by the exercise of the powers vested in the Home Government, to enforce the performance of the conditions, or, in default, to resume the land. In many cases, also, the conditions have been so far performed as to render it impossible to escheat the grant, although none of the inconveniences which it has produced have been removed. In almost every instance the cultivation of one-fourteenth of the land was the extent of improvement required by the grant; and thus, out of a block of 14,000 acres, 13,000 may be absolutely waste, and the owner yet have an absolute and indefeasible title. From the evidence of Sir R. George it appears that this is the case to a considerable extent in Nova Scotia, and it appears also to be the case in many instances in Lower Canada. In Upper Canada no conditions of any sort were imposed upon the early grants, which comprise by far the larger portion of the granted land; and in those cases in which conditions were imposed, the cultivation of 1-25th part of the grant was all that was required; and this, as it was a preliminary condition, has in most instances been performed. It appears therefore that the process of escheat would, under the circumstances, be one of doubtful justice, and of very imperfect benefit. In many of the cases in which it could be employed, it would punish innocent individuals; and it could not be employed to an extent sufficient to produce any public advantage.

A tax upon wild lands, therefore, appears to be the only measure left open to the Government for the accomplishment of this most important object. Every witness who was examined upon this subject, concurred in the opinion that the imposition of such a tax was absolutely necessary. The late Chief Justice of Quebec was the only individual who objected to a general and uniform tax, preferring, with a natural partiality to the institutions of his native country, local assessments for local purposes. As this proposal will come under notice in the consideration of the manner in which such a tax should be levied, I shall not dwell upon it here. I refer to it merely in order to call attention to the fact, that though Mr. Sewell differed from the other witnesses, as to the authorities by whom the tax should be imposed and expended, he agreed in the necessity for its imposition. Every other witness upon this point, including many persons in each colony who had seen most of the working of the present system, many of high official station, and many of the largest landholders, concurred in representing it, not merely as desirable but necessary. I would refer especially to the evidence of Mr. Stayner, deputy Postmaster-general, himself probably the largest landholder in the two Canadas, and whose testimony is the more valuable, because it was

Min. Ev. Q. 508.

Min. Ev. Q. 1261.

Min. Ev. Q. 512.

Min. Ev. Q. 409,  
as at seq.



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not delivered *sic* use, in answer to questions then presented to him for the first time, but in writing, after repeated conversations, in which all the principles of the plan embodied in his evidence had been suggested to him, and he had deliberately considered their practicability and value.

The effect of a tax upon wild lands, the whole proceeds of which should be applied in improving the communications an facilitating the settlement of the country, would be to remove some of the worst evils at present produced by the existence of the immense tracts of wilderness between, and in the midst of, the settled districts, and to diminish the quantity of the land retained in a wilderness state. The former, by opening roads in all needful directions for the transport of produce, and the latter by inducing and enabling the present proprietors of the wild land to settle or dispose of their property. The opening of roads is the one thing, without which it is impossible that a new country can thrive; and the obstacles placed in the way of making and maintaining roads by the waste granted land, constitute the most serious injury that the large tracts of such land inflict upon the province. The separation of settlers is undoubtedly under all circumstances a great source of injury. The existence of available roads, however, very greatly mitigates, though it cannot altogether remove this evil. In many parts of the country, settlers within two miles of each other are really more separated than they would be if living ten miles apart upon one of the leading roads. In the evidence of Mr. Hyndman, an instance is given in which, owing to the want of a bridge, settlers within two or three miles of the principal town in the district, have been unable to communicate with it for three days at a time. Where there are no roads, it is vain for the settler to raise any produce beyond what is required for his own consumption; for, when raised, the expense of carrying it to market, would be far greater than the amount for which it could be sold. The evidence taken in every province abounds in testimonies, direct and indirect, to the truth of these representations, which will be abundantly confirmed by the personal knowledge of every one who has had any acquaintance with our colonies, or the new States of the Union. It is the assumed application of a wild land-tax to the making of roads, which reconciles the landed proprietors to its imposition; and it is the same cause which induces the settlers to look to it as a means of relief. The former acquiesce in it as a means of raising, though at first at their own expense, the value of their, at present, almost useless possessions; the latter desire it, in order that the productive industry of the country may no longer be fettered by the mass of unproductive property. But the mere construction of roads is insufficient to remove the evils I have described. So long as an individual can retain his land in a wilderness state without cost, there is always a considerable risk, lest, in his endeavour to secure a large ultimate gain, he should overlook or disregard the inconveniences produced by his refusal to dispose of it upon reasonable terms. There can be no doubt that this is the case at present. Many of the holders of very large tracts are glad to sell whenever they can find a purchaser; but there are many who will not sell except at prices altogether disproportioned to the present value of their land, and who, whenever applied to upon the subject, content themselves with declaring that they can afford to wait; that a few years is of no importance to them; and that they feel assured, before many years have elapsed, the progress of settlement will enable them to obtain the price they now ask. Without wishing to interfere with the right of control, which every individual ought to possess over his own property, it can hardly be doubted that the present is a case in which some measure should be adopted, in order to prevent such an exercise of this right as is inconsistent with the public interest; and the imposition of a tax appears to be the best and most effectual means of accomplishing the object. There may be some to whom such a tax would be unpalatable at first; and there may even be some upon whom it might press unfairly; but no measure could be proposed, having a tendency to remove the evils complained of, at once so popular and so equal in its operation.

There is one preliminary question to which it is necessary that I should advert. By whom, and in what manner, ought this tax to be raised? Is it to be left to the inhabitants of particular districts to regulate its amount and application, or to be imposed by a central authority? The practice of the United States appears to be in favour of the former plan, which is advocated by the late Chief Justice of Quebec; but I am nevertheless of opinion, that the latter will be found by far the more satisfactory and useful proceeding. The evils, which a wild land-tax is intended to remedy, are neither local nor partial. They are not confined to one colony, nor to separate districts of each. With very few and unimportant exceptions, every part of every colony is affected by them. There is no reason, therefore, founded upon their merely local character, for deriving the means of remedy from local sources, or entrusting their application to local authorities. It is obvious, too, that one central authority might so regulate its operations as to provide for the advantage of each province and district, by a plan which would be for the advantage of the whole; while a number of separate and independent authorities might so conduct their proceedings as to produce no combined and harmonious result. The lines of road, for instance, selected by two neighbouring districts, each having an exclusive reference to the present state, or to what was supposed to be the individual interest of that district, might possibly be such as could not be made to coincide; and they might each be such as, with reference to the prospective interests even of the district by which the lines of road were selected, ought not to be made in the first instance. One of the most injurious features in the legislative proceedings of the North American colonies, is the spirit of local jobbing which prevails to an almost equal extent in all of them. To give to the legislature of each colony, or to the present local authorities, the application of the funds to be raised by this tax, would be to give a fresh stimulus to the practices which at present prevail, and to incur an imminent hazard of having the whole proceeds of the tax employed in useless or purely local purposes, or wasted by the manner

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in which even useful works were accomplished. And even if this consideration might be safely disregarded, or the evil were considered as one for which a practical remedy might be found, it is obvious that in proportion to the magnitude of the operations carried on, is the efficiency of the superintendence that might be secured, and the economy with which the works might be conducted. The making of roads through a township or a small district could not justify the employment of a really qualified engineer to superintend the work; and if made, as such roads have always hitherto been, under no proper control, the work is at once more costly and less durable than it ought to be. These considerations, however, refer solely to the application of the funds. Still more forcible reasons appear to require that the tax should be imposed by a central authority. If the imposition and amount of the tax be left to such local authorities as exist at present, then in very many cases the persons who will have to decide upon the amount of the tax to be levied, would be the very individuals upon whom it would fall; and it is not unfair to presume that their view of what they ought to contribute would rather err on the side of inadequacy than the reverse. Or if the inhabitants of any district were to be the assessors, they might, in a natural impatience under the evils they have sustained, err on the other side, and impose a tax, the amount of which would tend to defeat the object for which it was levied. In one district, a proprietor might be called upon to pay an assessment far below, and in another as far above, what would be required by the real necessities of the case. There would be neither uniformity nor permanence in any of the arrangements; no measures to be provided for out of funds raised in this manner could be undertaken with confidence or carried out with vigour; there would be a certainty that the objects for which a tax was imposed would be imperfectly obtained, and great risk that they might be altogether defeated. On these grounds, and still more perhaps on account of one of the purposes to which it appears expedient that the proceeds of such a tax should be applied—that of being part of the security for a loan to be raised for the general improvement of the country—I think that it ought to be imposed and its continuance guaranteed by a central authority; and, as it must be applicable to all the colonies, that authority appears to be fitly the Imperial Parliament.

The proper amount of the tax is also a topic of great difficulty. There is no recognised standard of comparison by which it can be estimated, and the evidence of opinion on the subject is various and conflicting. Mr. Stayer recommends that the amount should be  $\frac{1}{2}$  d. currency per acre at first, and that the tax should be doubled upon non-payment, till, in the event of its being unpaid for six years, it would amount to 2 d. currency per acre for the whole period. A halfpenny per acre is about the ultimate amount of the tax in Upper Canada, and Mr. Boulton and Mr. Ranken concur in representing that amount as far too low. The only standard of comparison that I can discover is, the amount of the burdens borne by the actual occupiers in Upper Canada, the only colony where a wild land-tax at present exists. These appear to be, on a farm of 100 acres—

	£.	s.	d.
Statute labour, about	-	-	15
Tax upon cultivated land, say 30 acres	-	-	2 6
Wild land-tax upon 70 acres	-	-	1 2
	£.	-	18 8

or a fraction more than 2 d. per acre. This, I am inclined to imagine, would be a fair amount. It is, perhaps, rather too low, but it is more expedient to err in that direction than to excite a just discontent by making it too high. The tax should be imposed upon all the waste lands in the provinces, the property in which is not at the present time in the public.

But as the land in the different colonies varies very considerably in value, it would be unjust to compel the payment of this tax in money from all proprietors. In order, therefore, to prevent as far as possible any inequality in its operation, it would be expedient that all proprietors of wild land should be allowed to pay this tax in land; such land to be taken by the Government at the rate of 4 s. per acre, in lots of not less than 100 acres, and upon the certificate of a Government surveyor, that the land thus given up was of equal value in quality and situation to the average of the land upon which the tax was levied. And in the event of the tax not being paid for two years, the Government should be at liberty to resume the land in respect of which default was made; and the land thus resumed would then be open to purchase upon the same terms as all Government land; paying to the owner of the land, when a sale was effected, 4 s. per acre for the amount sold, after deducting the tax due when the land was resumed. It will be seen that this price of 4 s. per acre is less than what is proposed as the future price for Government land; but this is the value affixed by the Assembly of Upper Canada, to the claims of the U. E. loyalists and militia, and is greater than the real average value of wild land in any colony at the present time. By such an arrangement the interests of all persons would be consulted. Those who imagined that their land was at the present moment, or shortly would be, of greater value than 4 s. per acre, would of course pay the tax; and those whose land, from its situation or the nature of the soil, was less valuable, would of course make the payment in land.

This measure, if fairly carried out, would in all probability remove, in the course of a very brief period, the evils under which the colonies now labour, so far as these have their origin in the mass of wild land in the hands of private individuals; and their result would be as advantageous to the owners of these lands as to the community at large. But there is one objection to the principle of such a tax, to which it is necessary to advert, because it has been urged by the proprietors of Prince Edward Island, in opposition to a bill which, as has



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been before stated, was recommended to the Assembly of that island by Lord Stanley, when Secretary of State for the Colonies, and which received the sanction of all the branches of the Provincial Legislature; and because the force of the objection appears to have been recognised by Her Majesty's Principal Secretary of State for the Colonies, who, in consequence, advised Her Majesty to refuse or suspend her assent to such bill. The objection is, in effect, that any such tax proceeds upon a wrong principle; that productive property is the only fit subject of a tax, and that this wild land, as unproductive property, ought to be exempt. It is not necessary here to enter into a discussion of the soundness of the principle thus laid down, nor to do more than just notice the fact, that the tax in question was only one-fifth per cent. upon the value which these proprietors put upon their wild land. Nor will I urge, what might fairly be urged, that a tax of this sort might be justified upon the mere ground that it was intended for the abatement of a nuisance; the existence of which, for upwards of half a century, had rendered this island the least prosperous, probably, of all the North American colonies, in spite of its great natural advantages. But the fact is, that any such tax, if properly applied, either to the formation of roads, or towards providing for the general government of the province, accomplishes an object, in which every individual having property in the province has a direct and immediate interest, and in which none are more interested than these very wild-land proprietors, the whole value of whose property depends upon the extent to which such objects are effected. It is, indeed, a singular plea, that those whose industry gives value to a country should be highly taxed, in order that those who have done and determine to do nothing for this purpose should—for that is the necessary result—obtain a more certain market and a higher price for the property which they hold. It may in truth be said, that the wild-land proprietors are even more interested than any other class in the imposition of such a tax. Paying, as they will, and as they ought, at first rather largely in proportion to the present value of their land, they will almost immediately find that the value of their property is increased in a very far greater ratio; while, as the alternative, if no such measure be adopted, they will discover that, though the nominal value of their land may continue the same, there will be every year less opportunity of finding purchasers. It may be well, too, to contrast the opinion formed by landholders who reside upon the spot, and who witness the actual operation of the present system, with that of these gentlemen who judge only from report; and when it is found that the one advocate, as essential to their welfare, a measure which the other deprecate as ruinous, no one can, I imagine, hesitate in preferring the former opinion.

I pass now to the consideration of the measures which should be adopted in reference to the public land which yet remains ungranted, with a view to the prevention for the future of circumstances similar to those that the proposed tax is designed to remedy. Any system adopted in the disposal of the public land should be simple, uniform, and equal; and while it prevents the acquisition of land, except by those who intend to use that which they acquire, should afford every facility of selection and acquisition to such persons. No system hitherto adopted, in any colony, and the present probably in as little a degree as any, appears to possess any of these characteristics. The system now in force is complicated, irregular, and partial; it neither checks the acquisition of land by those who do not intend to improve it, nor facilitates such acquisition by those who do. The evidence of Mr. Davidson, of Mr. Kerr, and of Mr. Christie, with regard to Lower Canada; of Mr. Sullivan, of Mr. Thornhill, of Mr. Hawke and of Mr. Boulton, with regard to Upper Canada; of Mr. Morris and Sir R. George with regard to Nova Scotia; and of Mr. Bailie with regard to New Brunswick; describe with more or less minuteness the general objections to the present system. None of these gentlemen urge any merely theoretical objections to the principles upon which the present plan is founded. They all speak upon a practical experience of the manner in which it operates; and some of them in particular, from their official character, and their long and familiar acquaintance with the details of the system, are entitled to especial weight when they come forward to expose its errors.

There are three particular defects in that system, to which it appears needful to advert for the purpose of explaining the grounds of the plan which I shall recommend in substitution of that now prevailing. These are, the want of sufficient liberty of selection; the facilities afforded for a premature or excessive acquisition of land; and the difficulties and delays in obtaining a title after the purchase is completed by the payment of the whole purchase-money.

The plan contained in the Treasury instructions, under which the practice of sale was introduced, and continued to the present time, by making the Governor the exclusive judge of the quantity which ought to be put up for sale; and by requiring that all sales should be by auction, has necessarily prevented any freedom of choice on the part of the purchasers. It appears, for instance, that in Upper Canada less than a fifth of the disposable Crown land has ever been open to purchase; and although it may be, and doubtless has been the case, that the lots selected have been those which, in the opinion of the Governor, directed by the Commissioner of Crown lands, it would be most advantageous that settlers should occupy, it may fairly be doubted whether the settler would not be a better judge of the tract of land suited for his own purpose than any other individual: especially when that individual, having probably little local knowledge, could only be guided by vague general rules. It is true, that, as stated by Mr. Radenhurst and Mr. Davidson, an individual desiring a particular lot, might make a special application to have it put up for sale, and that his application might be favourably received by the Governor; but leaving on one side, as not likely to occur, the chance of his application being rejected, he would have to wait for some considerable period, while the lot was advertised for sale. During this period his expenses might far exceed the price to be paid for the lot; and there would be a great risk of his being at

Min. Ev. Q. 189,  
et seq. Q. 986, et  
seq. 459, 464, et seq.  
909, 964, et seq.  
1006, et seq. 1066,  
1186, 1256, 1620,  
et seq.

Min. Ev. Q. sec.

Min. Ev. Q. 964.

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Min. Ev. Q. 893,  
et seq.

Min. Ev. Q. 307.

Min. Ev. Q. 190 &  
217.

Min. Ev. Q. 459 et  
seq.

Min. Ev. Q. 964.  
Min. Ev. Q. 895,  
et seq.

Min. Ev. Q. 1011,  
et seq.

Min. Ev. Q. 327.

that overbid by some person whose attention had been drawn to the tract he desired to purchase, solely in consequence of his application. Without dwelling on the abuses of the system, such as are described by Mr. Thornhill, (which must nevertheless have been exceedingly injurious), because they result from a violation of the rules by which the Commissioner of the Crown lands ought to have been guided, I select two instances of this result of the plan of sale by auction, at the discretion of the Governor. One is described by Mr. Kerr, in which applicants for a special survey and sale, after obtaining the consent of the Governor, and paying the expenses of survey, did not, in consequence of the system of auction, obtain more than a tenth of the land for which they had applied, the remaining nine-tenths being purchased by speculators. The other is the case of the sale in Gaspé, referred to in the evidence of Mr. Davidson and of Mr. Christie. This case justifies a particular notice, because it exemplifies very forcibly the defects of the system. It appears that in 1836 an application was made for the special survey of 92,000 acres of land in the district of Gaspé, by some gentlemen, who undertook to purchase at least 50,000 acres of the land surveyed. The application was duly transmitted by the agent for the sale of public lands in that district to the Commissioner of Crown land. That gentleman, on the receipt of the application, recommended to the Governor, that 35,000, and not 92,000 acres, should be surveyed and offered for sale. The Governor approved of this recommendation, and gave the authority required. At this point the matter would probably have rested, if the decision of the Governor had been acted upon, since the applicants would not have thought it worth while to incur the expenses contemplated for an amount of land inadequate to the purpose for which they desired to purchase it. In this case it would have been an instance in which the discretion vested in the Governor would have been exercised in a manner to prevent the disposal of the public lands. But the Commissioner of Crown lands, upon receiving the authority for this limited sale, immediately directed the agent to survey and sell the whole amount of 92,000 acres. This was accordingly done. At the sale the original applicants purchased less than two-thirds of the land put up to auction; the remainder being bought by rival speculators. Cases of this nature, and especially such as the former, must necessarily tend to deter intending purchasers, and to retard the settlement of the country. And these cases, in both of which the object of the special applicants was to a very considerable extent defeated, appear to have been the only two instances of special applications for the purchase of lands not included in the regular Government sales.

I shall advert hereafter to the operation of the system of sale by auction, and to the grounds upon which it has been defended, for the purpose of explaining the reasons which induce me to recommend that it should be abandoned for the future. I have referred to it at present only for the purpose of pointing out this particular injurious consequence of the system.

The practice of accepting payment by instalments for the land sold by the Crown, appears, from the concurrent testimony of those who have had the most extensive opportunities of witnessing its effects, to have operated very injuriously. It has induced many people to become holders and cultivators of land prematurely, before they had either the capital or the experience to fit them for this new position. Mr. Sullivan, Mr. Thornhill and Mr. Hawke, especially the last named gentleman, whose office as chief agent for emigrants in Upper Canada has given him peculiar facilities for witnessing the working of this practice, describe forcibly its evil results. To use the words of Mr. Hawke, "it has the effect of converting a number of useful labourers into indigent and useless farmers." The position of such persons appears to be in every respect inferior to that which they had previously occupied as labourers; and while they suffer from the want of the requisite knowledge and capital necessary for the due cultivation of their land, the colony is injured by the loss of valuable labourers. A very few years would have sufficed to place them in a condition to have gone upon their farm in comfort, and with the means of cultivating it profitably; and they would have waited until those means were at their disposal had they not been tempted by the small sum which sufficed to give them a temporary and insecure possession of 100 acres of Government land. In Lower Canada the low price at which Government land has been sold (a great part at less than 3s. 6d. per acre), has led to the acquisition of very large tracts by individuals who hold them merely in the hope of being able at some future day to sell them at a profit, without any intention of improving them in the mean time; and in New Brunswick and Nova Scotia a similar result appears to have been produced.

The difficulties in the way of obtaining a title in Lower Canada are described with great force by Mr. Kerr. It appears from the testimony of the same gentleman, that fifteen months is the average time occupied in obtaining a title; and as the settlers who purchase land generally reside at a considerable distance from Quebec, where alone a title can be procured, it is absolutely necessary that they should employ an agent; and this necessity must very greatly enhance, to purchasers of a single lot, the cost of their land. In all the colonies the same central system prevails, and in all similar inconveniences are experienced; though the singularly useless complication of process which prevails in Lower Canada, and the inadequate scale upon which the land granting offices in that Colony are constructed, especially in the inferior departments, have made the actual time occupied in obtaining a title far greater than in any other province. In Upper Canada this evil has been palliated by a recent Act of the Provincial Legislature, which makes it imperative upon the Commissioner of Crown Lands to transmit free of expense to the agent of every district, the title for all land which may have been sold within the district.

In recommending a plan for the future disposal of public lands in all the colonies, the main feature of which is that they shall be sold at a fixed, and not at an upset price, it may be thought necessary that some reason should be given for such a departure from the practice which has been so long established in each colony, and which apparently prevails in the United States.

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It may apparently prevail; for in truth the system of auction in those States is even more nominal than in the British provinces. It is true that all the public land in the Union is in the first instance offered for sale by auction; but the right of pre-emption allowed to actual occupants takes from under the operation of this system nearly all those lots which would be likely to excite competition. And whenever the land has been offered for sale, it is open at the upset price to every applicant. I am not aware that any accurate information exists upon this subject, but from what I could learn from individuals who had resided for a considerable period in those new States of the Union where land speculation was most rife, the proportion sold above the upset price was so small as to make the system practically a sale at an uniform fixed price.

But whatever may be the practice established by precedent or sanctioned by usage in the colonies or elsewhere, the proper object of inquiry appears to be, whether the assumed or real advantages of that system are sufficient to outweigh the inconveniences it produces? It is by this test alone that any system can fairly be tried; and if this test is applied, it will, I think, appear that the present system is one that it would be wise to abandon. Even prior to any practical experience of its working, I believe that it might have been concluded that the system of auction was one which was not applicable to the circumstances of a new country; and experience has supplied the proof that such a conclusion was well founded. It is probable, indeed, that the practice was adopted partly with a view to guard against favouritism, but chiefly because of the very irregular practices which it superseded, and which had left at the disposal of the Crown, lands of such very unequal value; and not from any opinion of the general utility of the method.

Even if the object of the Crown in the disposal of the public lands had been, which it would seem it ought not to be, the raising of the largest possible amount of revenue from this source, the very nature of the property to be disposed of would make the system of sale by auction inadequate to this end, unless indeed there had been coupled with it such a limitation of the quantity of land brought into the market as would have occasioned a high degree of competition amongst the buyers. But in the way of such a result there were two insurmountable obstacles; the one, the existence in the colonies of tracts of land the property of private individuals; and the other, the facilities of acquiring land in the neighbouring States. Both of these rendered it impossible that Crown lands should be sold above a certain price; and the price for which they might fairly be sold would have been with the utmost certainty secured by the adoption of a fixed price. But there was in none of the colonies any such limit of the quantity exposed for sale as would have been required to produce competition. The consequence has been, to use the words of the Commissioner of Crown Lands for Upper Canada, "that the system of sale by auction is a cumbrous dead letter, from which the public receives no advantage, while the settlers are seriously delayed in their locations." In all the colonies the system appears to have been attended with similar results. Mr. Davidson, the Commissioner of Crown Lands for Lower Canada, says, that the number of lots for which a higher price than the upset price has been obtained, do not amount to more than 1-39th of the whole; so that if the system of selling by auction were adopted for the purpose of raising a revenue, it must be considered to have failed in that respect.

But allowing for a few unimportant exceptions, and they would be exceedingly few at the present time, the very object for which the plan of selling by auction in certain cases is now defended, is one which Government ought not to pursue. The opportunity of obtaining a favourable lot at the fixed price of all Government land, is the proper reward of the trouble and sagacity of the individual who has discovered it, and the appropriate stimulus to well-directed incursions upon the wilderness. But the practice of selling by auction tends to deprive such persons of the natural fruits of their skill and enterprise, in order that some insignificant pecuniary advantage may be reaped by the public. It is true that a mill seat, or a favourable situation for a town, may, under the present system, sell for ten or twenty dollars an acre, instead of one or two; but the chance of being outbid at auction must deter persons from attempting to discover such locations, and check in a degree which it is not easy to appreciate the general enterprise of the colony. Gaining some inconsiderable fraction upon the aggregate amount of sales, Government still further represses that spirit of adventurous effort which there are already too many circumstances in the present position of the colonies to check. The profit may be counted in dollars; the loss it would be difficult to estimate. It would, in fact, appear, that all the land in the colonies might be sold by auction with less public and personal injury, than those lots which, singularly enough, have always been selected as the portions of the province which were to be alienated with the greatest reserve. Agreeing in the opinion pronounced by all witnesses as to the inutility of the system of auction in those cases in which it has been proved to be inoperative, I regard it as especially injurious in those cases in which it has produced its intended result.

While for the reasons thus stated, it appears expedient that the price of public land should be a fixed, instead of an upset price; there are other reasons which seem to lead to the conclusion, that it should be uniform instead of variable. It is undoubtedly true, that the present value of public lands is variable in the highest degree. Twenty pounds an acre might be more advantageously paid for some, than a shilling per acre for other lots. Depending for its value, as land must in all, but more obviously in new countries, upon its vicinity to a market, and the means of transport available for its produce, such a difference necessarily exists. It may, therefore, appear impolitic, and even unjust, to affix the same price to lands so different in value. But the land which is of little value to a settler, because of its remoteness from settlement, is land which for his interest, no less than for that of the community, it is desirable he should not occupy. The opposite system appears curiously contrived

Min. Ev. Q. 964.

Min. Ev. Q. 90.

contrived, in order to tempt individuals of the poorer class to settle themselves in situations in which their industry must be wasted in protracted and unaided struggles against obstacles which no industry can suffice to overcome. The results that must be produced by such a practice are described by Mr. Sullivan, in a passage referred to above, where he is speaking of the effect of the system of selling by instalment, and by Mr. Hawke, where he describes the case of a settler who had got 13 bushels of corn ground, at an expense in time and labour, in carrying it to and from the nearest mill, of 5*l.*, being far more than the selling price of wheat in the district. It is obvious that land thus situated, whatever might be its natural fertility, could have no real value for the purpose of settlement; and that the interest of individuals, as well as that of the community, would be consulted by the adoption of measures which would prevent its acquisition, until population and markets had so increased in the neighbourhood as to render its occupation desirable.

It has indeed been argued with some plausibility, that although an uniformity of price for all public lands may be advisable as a general rule, there are nevertheless circumstances in the actual state of the North American colonies, produced by the past conduct of Government, which would render the immediate application of any such rule highly unjust. The argument assumes, that the owners and occupiers of land, both in those districts where the value of land is at present greatest, and in those where it is least, would be injured by the adoption of any uniform price. The former, because it would diminish the value of their land by enabling settlers to obtain Government land at a lower price than the actual selling price of wild land in the district. The latter, because settlement would be checked by the removal of the inducement to settlement now furnished by the comparatively low price of land in their neighbourhood. It is not perhaps necessary to go into any examination of the principles upon which this argument rests, because it appears to proceed upon an entire misapprehension of the facts of the case. In Upper Canada especially, where the difference in the value of land is most striking, the quantity of land remaining at the disposal of the Crown is so small as to render the operation of a fixed and uniform Government price upon the selling value of wild land, the property of individuals, almost inappreciable. It has been already stated, that out of 17,000,000 of acres, comprised in the surveyed townships, of which probably nearly 15,000,000 are still unoccupied, very little more than 1,000,000 acres remain at the present moment in the hands of the Government; and these are the refuse lands of the colony, for which no person entitled to a grant has hitherto thought it worth his while to apply. The settlement of the colony and the price of land in any district, can therefore scarcely be influenced by the operations of Government in the disposal of its waste lands. They depend far more upon the price demanded by private holders. It is very probable that all or nearly all of this remaining public land is of such a quality as to render its present occupation unadvisable. A seventeenth part of the land of a new country is even a small proportion for refuse and unavailable land. Whatever price might be put upon this land by the Crown, even if it were all of a fair average quality, would affect in a very slight degree the general value of land in any district; and assuming its quality to be, as is stated by Mr. Radenhurst, very inferior, its price would have no immediate operation of any sort. Unless, indeed, that by fixing a price proportioned to the present value of such land, settlers might be induced to acquire such land rather than other land, more highly priced but more fertile, and thus the productive industry of the country be directed precisely to those portions of its soil which would yield the smallest and most niggardly returns. A period may be expected to arrive when the growth of population, the vicinity of markets, the facilities of obtaining manure, and the diminished cost of transport, will render the occupation of these less fertile lands more profitable to the individual, and therefore to the community, than that of lands more fertile, but of a less advantageous position. When this period arrives, the price affixed to them will form no obstacle to their cultivation; but until this is the case, it would be a clear violation of the duty of Government to hold out any peculiar inducement to settlers to establish themselves upon such lots.

Nor must it be forgotten, in any consideration of the probable effects of the plan suggested for the adoption of Government with regard to the future disposal of the public lands, that the proposed measures do not stand alone. They form part of a large and comprehensive measure, one main object of which is to produce a great degree of equality in the value of all wild land, whether the property of individuals or of the Crown, by giving equal facilities of communication to every part of the country. Those districts in which the price of land is lowest, are those in which there is the most striking deficiency in all the circumstances upon which the value of land depends. To remove this deficiency will have a far greater effect in attracting, than any rise of price could have in deterring settlement. And even if the immediate result of any uniformity of price should be to attract new settlers to the more thickly-peopled districts, the present inhabitants of the less populous parts of the country would gain much more from the making of roads in their neighbourhood, not merely on account of its removing one of the chief obstacles to their progress, but also because of the market which would be thus brought home to their door, by the expenditure of the Government, in these public works, than they could lose in the temporary check to settlement assumed by the argument to be the result of the plan.

With respect to the other aspect of the question, the supposed tendency of an uniform price to lower the value of land in those districts where at present it is highest, it may be doubted whether any such price as would be fixed by the Government could have that effect. Population is one of the chief elements in the value of land. Where population is most dense, there invariably the price of land is highest. Any addition to the population of

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Min. Rv. Q. 968.

Mis. Ev. Q. 1014.

Min. of Ev. Q. 801.



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a district must therefore, it would appear, have an influence in raising the value of land; and this to a much greater extent than the lower price of Government land could have in depressing it. In proportion too as population is dense at present, the quantity of public land yet remaining undisposed of must be inconsiderable; and thus where the assumed injury would be greatest, the power of inflicting it would be least. The argument which has been urged against the adoption of an uniform price appears therefore not merely to be founded upon a misconception of the real facts of the case, but to be erroneous, even upon the assumption that the facts are such as it presupposes.

For, further, the price to be fixed as that at which all public land is to be sold, ought not to be a mere arbitrary amount. It should be just that price which, having reference to all the circumstances of the country, appears most calculated to facilitate settlement; and at the same time to check both an excessive and a premature acquisition of land by settlers. It ought to be so low as that no one who possesses the means of improving the land, should be deterred from purchasing it, and so high that no one should be tempted to acquire it before he possesses these means, or in greater quantities than his means will enable him to occupy with profit. In the North American colonies also there is a further consideration which must be kept in view in fixing the price, which it is to be feared will in some degree interfere with the latter object. The price of land must not be so high as to drive purchasers into the United States, in order that they may avail themselves of the low price at which public land can be procured there. But having in view the objects above described, it may fairly be doubted whether any consideration of circumstances, necessarily both partial and temporary, ought to prevent the adoption of such a price. Government ought not, it would appear, to affix upon any portion of the public land a price unduly restrictive of appropriation, in order to keep up the price of land held as private property; nor ought it, on account of any supposed check to settlement, to fix a price which would encourage the appropriation of excessive quantities of land, or tempt individuals to settle themselves upon land, which they had not the means of cultivating. The dearly-bought experience of past years would indeed be fruitless if now, from any such motives, these worst errors of former proceedings were to be renewed in any new plan.

Upon every ground, therefore, it appears expedient that the price of public lands should for the future not only be fixed but uniform.

The price required for public lands, also, should be payable at the time of sale. The practice of requiring payment by instalments, which has been continued in Upper Canada, in violation of the instructions of Lord Glenelg, besides inducing a premature acquisition of land, has the further effect of rendering altogether nugatory whatever price may be fixed upon public lands, at least with respect to that land which is purchased by the poorer class of settlers. It is stated by Mr. Sullivan that no measures can be attempted safely to enforce the payment of the arrears now due from persons of this class; and Mr. Hawke gives an instance in which Government has actually abandoned claims of this nature to the amount of 30,000 *l*. The system of sale by instalments had been tried and abandoned in the United States long previously to its adoption in the North American Colonies. It was abandoned, not merely because of the impossibility of obtaining payment of the arrears, but also because of the danger to be apprehended from the existence of a large body of settlers in all of the new States, who were supposed to be favourable to any proceedings which, by weakening the authority of the Government, might diminish its power of enforcing payment from them. Without inquiring how far any of the settlers in Upper Canada are under the influence of any such feeling, I may venture to state my opinion, that it is unwise to give to any class so powerful an inducement to assist or acquiesce in any change of Government, as is afforded by the prospect of escaping from a heavy debt, and of acquiring an absolute instead of a qualified and insecure title to the land they occupy. I therefore recommend, that the whole purchase-money of public lands should be paid at the time of purchase.

At this uniform price, all public land should be open to purchase by everybody in unlimited quantities. The attempt to fix a limit to the amount which an individual may acquire, must indeed be always practically unavailing, because it is impossible to prevent any one who desires to become a purchaser of a quantity beyond the assigned limit, from acquiring such larger quantity in the name and through the instrumentality of others. But if it could be successful, it could have no other result than that of checking enterprise and retarding settlement. The adoption of any measure of this kind, too, is a tacit confession of the inadequacy and incompleteness of the system which requires such an adjunct. It amounts to an acknowledgment that the price of land is so low as to tempt individuals to acquire land which they do not intend, or are unable to improve. If the price be sufficient, then the larger the amount of land purchased, the more effectually will the purposes of Government be accomplished. The limitation of the quantity to be disposed of, is a cumbersome device for effecting in an indirect way an object which Government confesses itself unwilling or unable to effect directly; and like all such devices, it fails in the very cases against which it was specially intended to provide.

The ground commonly assigned for the adoption of some limit, is the necessity of guarding against the acquisition of land by speculators. In all our North American colonies, the feeling in which this practice has originated, prevails most extensively. Everywhere complaints are heard against speculators; and most of the witnesses examined in reference to this subject, attributed the evils endured by the country to the extent to which speculation in wild lands had been carried. It is difficult to suppose that an opinion so deep rooted, and so widely diffused, could be altogether unfounded in fact; but that it should have any substantial foundation, marks most forcibly the extent to which the lavish proceedings of former Governments have affected the prosperity of the colonies. In the United States of America,

much

Min. of Ev. Q. 970.

Min. of Ev. Q. 1006.

much of the prosperity of the new States is attributable and is attributed to the operations of speculators and land-jobbers. More money has been invested, and with greater profit to the individuals and the community, in this, than probably in any other way. But the American speculator is actively employed in endeavouring to give value to his land; while the Colonial speculator is content to wait passively until the gradual increase of population and the progress of settlement have effected this object for him. The former desires, and takes the means to obtain, a large immediate gain to himself; the latter consoles himself with the reflection that he has acquired a property which will be valuable to his grandchildren. The one immediately occupies himself in making roads, laying out the sites of towns, building mills, taverns and churches, and thus attracts a population, which enables him at once to secure a large profit upon his investment. The other allows the land he has purchased to lie waste, and thus not merely to remain as unattractive to settlers as when it was purchased, but to impede the course of settlement around. In proportion to the extent to which speculation is carried in the States of the Union, the growth and prosperity of the district are stimulated; while in the colonies the extent of speculation is at once the indication and the cause of stagnation and decay. But little money is invested in the purchase of land in the former country without yielding a large profit, but in the latter, large sums have been invested at a loss. It is impossible to ascribe so striking a difference in the nature and results of the courses pursued in the two countries to any difference of character in the people by whom they are adopted. This may have some effect; but the real cause of the difference is to be found in the different circumstances of the two countries, produced by the opposite practices of the Government. A colonist who should purchase land in the States would be impelled to improve it by the certainty of obtaining a large profit upon the capital thus invested, as well as by the contagious influence of the general spirit of enterprise and progress; while a native of the United States who should purchase land in the colonies, would be checked in any expenditure intended to increase its value, by the certainty of incurring a heavy loss. But the remedy for the evils now produced in our colonies by speculation in land, is not to be found in any necessarily unavailing attempts to deter or check speculators, but in removing the causes which give to speculation its present stagnant and repressive character. So soon as the holder of land finds that money invested in its improvement will quicken and augment the returns which he expects eventually to obtain from it, we may be assured that the work of improvement will begin; but until this is the case, it is of course fruitless to anticipate any change in the present practice. As, however, the measures already proposed for the imposition and application of a tax upon wild lands may be expected to effect this object, with regard to lands already disposed of, and as the same measures will have a tendency to prevent for the future any similar consequences to those which they are intended to remedy, it appears that facilities should be given to speculation, rather than obstacles be thrown in its way. In fact, it may almost be said that one of the objects which Government should propose to itself in any plan for the disposal of the waste public lands, ought to be to encourage the investment of capital in the purchase and improvement of land with a view to its resale.

Not merely, however, ought there to be no limitation in the amount which any individual may purchase; still less should there be any limit as respects the position or character of the land. There should not be, under any pretence, or for any purpose, a portion of the colony closed against purchase or settlement. Every reserve, of whatever nature, or to whatever object it may be destined, should at once be thrown open to acquisition, upon the same terms as the waste public lands still unappropriated. School and college, and clergy reserves, must, in justice to the public, be brought at once into the market. To permit of the continuance of the present, or the formation of any fresh reserves for public purposes, would be, I will not say to peril, but to prevent the success of any plan. It would indeed be an act of palpable injustice, while imposing a tax upon the proprietors of land held in a wild state, on account of the injury which their property inflicts upon the public, to keep two millions of acres in one colony still a desert. The persons upon whom the proposed wild land tax would fall, appear to be reconciled to its imposition, because, as they conceive, it is to be part of a complete and effectual measure for the removal of all the obstacles to settlement presented by the present position of the colonies. If, however, the measure be so incomplete as the permitted continuance of the existing reserves supposes, it would be vain to hope that these individuals would acquiesce in that part of it which presses particularly upon them. Nor can it be denied that, under such circumstances, the proposed tax would wear in some degree an appearance of injustice, nor that it would be vain to hope for any marked success for the plan of which it forms a part.

It is obvious, indeed, as has been confessed by every person who has made inquiries upon the subject, that such reserves are most wasteful in their operation. The object contemplated by Parliament in establishing the system of clergy reserves, could not have been obtained in a more injurious manner. In order that there might be a wealthy church in the Canadas, free from the odium which it was supposed must attach to it if supported by any direct impost, it was endowed with land which, valueless in itself, could only become valuable by the labour of the settlers in its neighbourhood. But these reserves, had more influence in retarding the progress of settlement, than the labours of the settlers had in increasing their value. The prosperity of the colony was greatly retarded, but the value of the lands appropriated for the clergy was but little augmented. The average price per acre at which the clergy reserves in Lower Canada have been sold, is less than 5s.; and though there have been apparently well-founded complaints against the late commissioner for the sale of clergy reserves in that Province, on account of the wasteful nature of the sales which he made, these complaints refer but to a small portion of the property, and the

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average price would probably have been raised in only a very trifling degree if no such waste had occurred. In Upper Canada, the small proportion which has been sold, has, under the system of sale by auction, and of accepting payment by 10 annual instalments, produced the nominal amount of 15s. per acre. Yet this can by no means be taken as a fair test of the value of these reserves in general, and has only been obtained in respect of the sixth which has been sold, after their injurious effects upon the community had been experienced for nearly half a century. It would be difficult to find many instances of so small a gain purchased by so large an injury.

I have in a previous part of this Report adverted to the dissensions produced by the nature of the purpose to which these reserves have been destined. And I may suggest, that whatever may be the determination of Government with regard to the appropriation of the funds produced by the sale of these reserves, the difficulties in the way of the adjustment of that question, cannot but be greatly diminished by the removal of those injuries which the actual reservation of land has inflicted upon the colony. When the obstructions to progress, occasioned by these vast tracts of appropriated wilderness no longer exist, it may be expected that, as one great cause of irritation is destroyed, parties will discuss with more calmness the claims of those who now demand to engross or to divide the funds which they produce.

In expressing thus decidedly the opinion which I have been compelled to adopt with reference to these reserves, I may mention that my remarks apply only to the actual reservation of land from settlement. Whatever purpose the reserves were originally, or may hereafter be, designed to fulfil, would be as certainly accomplished by setting apart a corresponding portion of the proceeds of future sales of public lands; and the sum produced by the sale of the existing reserves will of course be disposed of in the manner determined upon with respect to that which has been already received from this source.

## Title to Lands.

It would be obviously necessary that any plan for the future disposal of public lands should contain a sufficient provision for giving to the purchaser a complete and satisfactory title for the land purchased. Any unnecessary delay or expense in obtaining a title, not merely operates as an useless and injurious addition to the cost of the land, but has a tendency to deter purchasers, and thus to retard settlement. The complication of every system hitherto adopted in the different colonies, has been a natural result of the want of all real responsibility in the land-granting department. But like almost all similar contrivances, this multiplication of checks has not only failed to effect its purpose, but has produced fresh evils in addition to those it was intended to prevent or remove. The evidence which has been given on this subject by Mr. Kerr, Dr. Baldwin, and others, exhibits the evils of delay and uncertainty in obtaining titles; and the present state of the Crown lands in all the North American Provinces sufficiently proves how utterly unavailing the reference to different offices has been, as a means of preventing excessive or improper grants. The system which I should recommend for the future, is one similar to that practised in the United States; partially introduced into Upper Canada by the recent Act of the Provincial Legislature for regulating the disposal of public lands; and most successfully pursued under the authority of an Act of the Imperial Parliament in the new colony of South Australia. Forms of deeds should be prepared, requiring only to be filled up with the name of the purchaser, and the description of the lot purchased; and the signature of the chief agent for the sale of lands in the district should be required to give them validity. In the meantime, until this signature is obtained, a certificate of payment of the purchase money, in respect of a particular lot, should be given to the purchaser; to be exchanged for the deed at a certain fixed period; and in the meantime to be transferrable by assignment. In this manner every purchaser would at once possess a marketable title; and the necessary time could be allowed for any system of issuing and registering titles which it might be thought expedient to adopt.

## Minutes of Evidence.

## Surveys.

There is one essential preliminary to any plan for the disposal of the public lands, without which it is impossible that there should be certainty or regularity for the future—the survey of the whole land of the province, whether granted or ungranted. It is not easy to exaggerate the confusion and errors which prevail in all the colonies with respect to the existing surveys. With very few exceptions, no man can be said to possess a secure title to his land, or even to know whether the spot upon which he is settled, belongs to himself or to his neighbour, or the Crown. Lots which, according to the diagram in the surveyor-general's office, appear to be of regular figure and of equal dimensions, are in reality of the most varied form and unequal size. A grant from the Crown which professes to convey 200 acres, has in reality conveyed a quantity varying from 120 to 280 acres. In many cases, too, lots have been granted which have been found to have no existence, except upon the map. Even at the present moment, these errors are productive of much inconvenience, and of considerable litigation. But their present effects form no measure of the injuries which may be anticipated from them. Land is not now of sufficient value, in the greater part of every province, to induce its owners to adopt measures to ascertain or enforce their rights. In many cases, too, the occupier of a lot has no neighbour who could dispute his claims to the boundaries assigned or assumed to his property. But in proportion as the increase of population gives value to land, and fills up the intervening vacancies between settlers, it is obvious that questions of boundary and title must arise, which under the existing state of the surveys can only be settled by legal proceedings, and which must form an abundant and interminable source of litigation. The circumstances that have hitherto prevented these consequences from occurring in any great degree, place it still in the power of the Government to adopt measures of prevention. A fresh and accurate survey would define the

the boundaries of all lots; and if this were accompanied by an enactment, securing to actual settlers, land upon which improvements had been made upon the faith of existing surveys, or which was obviously necessary to enable them to enjoy the benefit of such improvements, all substantial injustice would be avoided. This could not, it is true, be effected without considerable expense; but that would surely be a false economy which should perpetuate evils so great as those which must arise from this cause, on account of the expense to be incurred in their removal. Moreover, this reform is but part of a general measure, which will itself provide the funds for carrying it into execution.

There is another subject upon which it is I believe absolutely necessary to legislate. Throughout all of the North American provinces a very considerable portion of the population consists of squatters; persons, that is, who have settled upon land the property of the Crown, or of private individuals, without a title. The causes of this irregularity are various. In Upper and Lower Canada it has arisen chiefly, if not entirely, from the difficulties, often amounting to impossibility, in the way of obtaining land by persons of no influence who desired it for actual settlement. The profusion of the Government in granting land has, in fact, placed serious, and, in many cases, insurmountable obstacles to its acquisition, by those who had but little property, and no influence. While the utmost facilities were afforded to those whose only object in obtaining a grant, was to profit by a future sale of the land, there has been in effect, if not in intention, an equal niggardliness with respect to those who would have improved their grant. In many cases, also, it was impossible, without the expense of a journey to the capital of the province, to ascertain whether or not the land upon which a person was desirous of locating himself, belonged to the Government; and even when this point was ascertained, there was no certainty of being able to acquire it. In Upper Canada, in addition to these difficulties, the Alien Law, which was passed shortly after the last war with the United States, has rendered it impossible for an American citizen to obtain land from the Government upon any terms. The result of these circumstances has been, that no small portion of the actual settlers are persons who have no title to the soil which they cultivate. This is not merely injurious, by rendering their mode of husbandry slovenly and exhausting, but it has also rendered them lukewarm in their loyalty to a Government under which they have no security for the enjoyment of the fruits of their labour. It may, perhaps, be argued, that they are not entitled to this advantage, and that they ought to bear the consequences of their illegal and unauthorized occupation; but without entering into the question of the absolute right of these persons to the enjoyment of the property which they have created, it cannot, I think, be deemed that, under all the circumstances of these colonies, it is expedient to add this great practical grievance to those causes of dissatisfaction which already exist. The habits of the whole population of North America, and the laws of the United States, have given a sanction to the practice of squatting, which has been confirmed in this case by the negligence of the Government, or of the non-resident proprietor.

In the Lower Provinces, the practice is attributable in part to similar causes, but chiefly, apparently, to the absence of all other means of obtaining a livelihood. In Nova Scotia and New Brunswick, but especially in the former, emigrants on their arrival can find no employment for wages. The profusion of the government in granting its land has checked to so great an extent the prosperity of these provinces, that the actual settlers are too few or too poor to be enabled to employ labourers; and an emigrant, therefore, must either proceed at once to the United States, or, in order to support himself, must occupy the first vacant lot, from the cultivation of which he can alone procure a livelihood. To disturb a possession occasioned by such causes would be unjust as well as inexpedient. There may be particular cases which do not merit any indulgence, but it would be impossible to separate such from the mass; and, therefore, there should be some provision by which all persons occupying land to which they have no title, should be, if not secured in the possession of the land they occupy, at least guaranteed the full benefit of their improvements. With respect to those who have settled upon government land, this may be easily effected by allowing them to become purchasers at the uniform price of public lands, as has been already done in Lower Canada, by a proclamation of your Excellency; and, if needful, even allowing a certain period within which the purchase money may be paid. With respect to those who occupy land, the property of private individuals, it would be necessary to pass a law entitling them to compensation for their improvements by valuation. Such a measure would not only give a great immediate stimulus to the industry of the country, but it would have a most useful effect in confirming the loyalty of many who are at present described as looking with hope rather than reluctance to the subversion of the existing government.

It also appears expedient that public land in all the North American colonies should be open to purchase by all persons, to whatever country they may belong; requiring, if necessary, that the subject of a foreign power should at the time of purchase take the oath of allegiance. Such a measure appears especially desirable with regard to citizens of the United States. No people are so adapted to encounter the fatigues and privations of the wilderness; none form such efficient pioneers of civilization. In both the Canadas almost every settlement which has reached any degree of prosperity has been commenced by persons of this class; and it is impossible to conceive a more striking contrast than is furnished by the present state of settlements thus formed by persons who had no property when they entered the bush, as it is termed, but an axe and a camp kettle; and that of settlements formed by British emigrants possessed of considerable capital.



Appendix (B.)  
Squatters.

The Americans have almost uniformly prospered; the European emigrants have always been slow in their progress, and have not unfrequently been ruined. Indeed there appears to be in this, as in almost every other pursuit, a natural division of employments; and this is practically understood in all parts of the United States. One class of persons attach themselves almost entirely to the occupation of breaking up new land. They go into the wilderness, select a favourable location, erect a small hut, and commence the task of clearing. In a few years the progress of settlement brings other settlers into their neighbourhood, and they then sell their improvements, and again move off several miles in advance of the tide of population, repeating the same process as often as they are overtaken by it. By their labours the difficulties of a first settlement are, to a great extent, obviated; those who succeed them are spared the worst and most disheartening part of the toils of a settler; and the work of settlement proceeds more rapidly and prosperously than would be the case if those who eventually occupy the land, had been also the persons by whom it had been first reclaimed. In the Canadas, on account of the previous habits of emigrants, which have given them no experience of the peculiar difficulties of settlement in the wilderness, and even unfitted them for a successful struggle with its hardships, such a class as the American pioneers would have been eminently useful; but there, owing partly to direct legislation founded upon political grounds, and partly to the proceedings of the government by whom all the lands which such persons could occupy, have been alienated, this class has had no existence. If, however, it be intended that these colonies should be the home of any considerable portion of the people of the United Kingdom, it can hardly be doubted that encouragement should be given to persons of this class, or, at least, that all direct impediments to their exertions should be removed. If, however, from any grounds similar to those which induced the legislature of Upper Canada to pass the Alien Bill, to which I have referred, the British North American colonies should be closed against citizens of the United States, it is to be feared that, in spite of all that may be done to remove existing obstacles to their progress, or to encourage emigration, they must continue to exhibit the same mortifying inferiority to the neighbouring states which is at present everywhere apparent; while, should this restriction be removed, it may be fairly anticipated that the practical skill of the Americans in this respect, aided by British capital, and stimulated by the constant influx of emigrants desirous of purchasing the improved land, would enable the Colonies to rival, if not to surpass, the progress of the most flourishing states of the Union.

Price of Land.

The price which it would be expedient to affix to the public land is not easily determined. Nor shall I discuss the principles which would determine the proper price in a colony for which we might legislate without regard to the proceedings of adjoining countries. In the immediate neighbourhood of the United States, where the government has never sought any higher object in putting a price on new land, than that of preventing appropriation without cultivation, it would be idle to seek, by means of a price for new land, the more important end of securing an ample and constant supply of labour for hire. In respect to the price of public land, legislation for the North American Colonies must necessarily be governed by the course of the United States. In their immediate neighbourhood it would be impossible to adopt the leading principle on which the colony of South Australia has been founded, and which was recommended by a Select Committee of The House of Commons in 1836. One might as well attempt to maintain in the British Colonies a totally different currency from that which prevails in the American Union.

Satisfied, however, that the price of new land required by the American government is too low, even for the objects which it has in view, and also that a somewhat higher price would not induce British emigrants to prefer a foreign country for settlement, I would adopt the highest price which would not have that effect. That in every colony the price is too low, appears evident from the fact that it has encouraged rather than deterred the acquisition of land by persons who do not intend to settle or improve it, and that it has induced numbers to become purchasers with very inadequate means. In Upper Canada, where the price has been apparently highest, the latter result has been produced very extensively. But there, though the nominal price has averaged 10s. per acre, yet the sum which has actually been obtained in the great majority of cases in which persons of the labouring class have become purchasers, is in reality very little more than a fourth of this amount, because, in such cases, only the first instalment has generally been paid. In every colony, therefore, the real price can scarcely be said to have been more than from 2s. to 4s. per acre, while in the United States the uniform price is a dollar and a quarter, or 6s. 3d. per acre. I am inclined to think, that 10s. per acre would not exceed a safe limit. But this is, perhaps, a point which would be more properly left to the determination of that special and responsible authority to which I propose that the whole administration of the public lands in the colonies should be confided. Some further remarks upon the subject, however, may not be misplaced here.

That at such a price the sales of public land would for some time be very inconsiderable, is highly probable; but this appears to be a recommendation instead of an objection to the measure. It is not for the interest of the colonies that any very large amount of the land yet remaining at the disposal of the Crown should be occupied for the present. That part of every colony which ought first to be settled, is in the possession of private persons. Until the tracts already appropriated are fully settled, it would be wasteful and injurious to encourage settlement upon the remaining public lands. And when these tracts are covered with inhabitants, the general value of land in the colonies, will be so far advanced as to make this price really lower than that which is required at present; and therefore to give greater encouragement to purchase than is now afforded. This view is strikingly supported by

by the results of the different prices at present demanded in the different colonies. In Nova Scotia, 2s. per acre, payable in four annual instalments, is found to be too high a price, having reference to the circumstances of the country and to the means of the settlers; while in Upper Canada there has been no deficiency of purchasers from the Government and the Canada Company, at a price more than five times this amount. This difference is easily explained by a consideration of the condition of each colony, and the fact that there has been a large introduction of both capital and labour into the latter colony, while no capitalists have been attracted into the former; and consequently no employment has existed for the few labourers who have arrived there. In neither colony has the mere price of government land had any effect upon the ability of individuals to become purchasers. In both, this has depended upon circumstances altogether independent of that price.

It is obviously in the power of government to create in all the colonies such a state of things as may make the purchase of wild land at the higher price proposed, more advantageous than now at the lower. The only question, consequently, is whether, having regard to the object for which any price is required, and to the manner in which it is to be applied, 10s. per acre is higher than ought to be required, or than purchasers will generally be found willing to give.

In the United States, the money derived from the sale of public land, is applied in aid of the general revenue. The purchasers derive no special or peculiar advantages from its application. It is expended in the promotion of objects, in which the inhabitants of the older States, that contribute nothing to this source of revenue, are as much interested as the new States, in which it is exclusively raised. Under the plan that I am about to propose, the whole amount of the purchase money of public land in the North American colonies would be expended partly in the execution of works, from which the purchasers would derive a direct and immediate benefit, and the funds for which are raised in the United States by taxation; and partly in providing for a greatly increased emigration. These works, too, or at least the greater portion of them, would be performed before the land was sold, and the purchasers, therefore, would be in the same position as those who, in the United States, purchase land from speculators who have given an increased value to their land, by the improvements which they have effected upon it. Assuming, therefore, that the measures suggested will be carried into effect, a higher price may be properly demanded for the land in the colonies than that which is at present the upset price in the United States; and the result of this price, coupled with the other measures with which it is connected, would be, with respect to the colonies, similar to that which has been produced with respect to the United States by the general system pursued in that country, of which the present higher price forms a part. Instead of deterring, it would attract purchasers; and we might confidently rely upon seeing American citizens leaving their own country to enjoy the greater economical advantages of the British colonies, in the same manner as British emigrants are now drawn to the United States by the superior attractions which they offer.

With regard to Upper, and even to Lower Canada, there would probably be no objection urged to such a price, and no apprehensions entertained as to its effects. But with regard to the other provinces, where, just because no sufficient price has ever been required, the very low price at present demanded is considered an obstacle to settlement, it may possibly be feared that the price proposed might be found inapplicable to the circumstances in which they are placed; and this might possibly, by reason of the great quantity and cheapness of wild land in private hands, be the case if such a measure were to stand alone. The imposition of any such price—it might indeed be said of any price—presupposes the existence of such a state of things as would place it within the power of persons of the labouring class to earn and to accumulate money. In Nova Scotia, the labouring emigrant has no means of employment. He cannot become a purchaser, because he cannot earn money by his labour. It is from the land alone that he can obtain the means of subsistence; and to require any price for land, under such circumstances, is to place an impassable barrier in the way of its acquisition by persons of that class, and to drive them into the United States. But if, by measures such as have been proposed, the proprietors of the wild land are induced and enabled to improve and settle their grants; and if, at the same time, works of the nature contemplated are undertaken, labouring emigrants will be enabled to obtain employment for wages, and out of their savings to purchase land at the proposed price, either from the government or from private proprietors.

It must be remembered, also, that in every colony the operation of the proposed price will be slow and gradual; government land will in only a very few instances be purchased at first; and it may rather be feared that the tax on wild lands will have the effect of lowering too much the general price of land, and thus of perpetuating for a longer period some of the evils at present experienced, than that the impossibility of obtaining government land on the present low terms will check its acquisition, under any circumstances which would render such acquisition desirable. In every colony the selling price of land must, for some time at least, depend far more upon private holders than upon the government; and the government, therefore, is freed from the necessity of regarding the immediate and temporary results of its determination in deciding upon the price which it would be expedient to adopt. The only end which it has at present to secure by a price is, to prevent any more of that undue appropriation which now discourages the hope that much land would soon be purchased at any price.

The proposed price of 10s. per acre, regarded in connexion with some of the objects it is intended to accomplish, is, in fact, much lower than it would be desirable to fix. Even at that price, there is great reason to fear that labouring emigrants may be induced to become purchasers before they have either the requisite capital or knowledge to qualify them for the

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 Price of Land.

the position they will thus assume. The produce of the fund, also, will be scarcely adequate to the objects to which it ought to be applied, the construction of public works and the promotion of emigration. But it has been selected as the price which will most nearly provide for the accomplishment of these purposes, and, at the same time, the highest which probably it would be in the power of government to obtain, having reference to the price fixed upon public land in the United States. It is not impossible that the measures proposed, if fully carried into effect, might enable government to obtain even a higher price; but it would hardly be safe to venture upon the experiment. In proposing this price, however, I wish to be regarded as doing so merely as a compromise; not because I think it best in itself, but because I think it the best which can be obtained under the circumstances.

Timber.

The disposal of the timber upon the public lands of the Provinces was included within the inquiries that I instituted. It is only of late years that any attempt has been made in the Canadas to derive a revenue from this property. Originally the right to cut timber upon the public lands was a monopoly in the hands of the contractors for the supply of the navy with timber; and they were in the practice of selling licences to merchants and lumbermen in the Colonies, by whom, consequently, the whole legal trade in this article was engrossed. But as the commerce of the Colonies increased, it was found impracticable to prevent unlicensed adventurers from engaging in the lumber business; and there appeared every prospect, in spite of the exertions of the law officers of the Crown in Upper Canada, that the unlicensed trade in this article would become greater than that conducted under the authority of the Government. At length, in the year 1824, it appears to have been discovered that it would be a wiser course to sanction and regulate the cutting of timber by any person, with a view to making it a fixed source of revenue, than to persist in useless but harassing attempts to check or punish practices which, from the nature of the country, it was impossible to prevent. With this view, the whole management of the timber was placed under the control of an officer, entitled the Surveyor-general of Woods and Forests, whose business it was to offer for sale, licences to cut timber upon public lands at an uniform upset price; to collect the revenue arising from this source; and to protect the Crown timber from waste or depredation. In all of the Provinces this office has in effect merged in the office of Commissioner of Crown Lands, and the timber is therefore under the same general superintendence as the public lands of the Colonies.

Min. of Ev.  
 Q. 356.  
 Min. of Ev.  
 Q. 691, *et seq.*

I was unable to obtain any accurate information as to the probable value of this property. From the evidence, however, of Mr. Kerr, and of Mr. Shirreff, it appears, that the quantity of timber upon the waste lands of the Province is practically unlimited, and that, independently of the consumption of this article in England, there exists at present a demand for pine timber in the Northern and Western States of the Union which may be expected to experience a very rapid increase, and which can only be supplied from the British North American Colonies.

Min. of Ev.  
 Q. 357.

From the evidence of Mr. Kerr and Mr. Davidson, and others, it appears that the revenue which, under a wise and careful system of management, might have been derived from this property, has been needlessly sacrificed by the practices adopted in the disposal of public lands. The value of the timber upon an acre of land at the price of Government licences is frequently more than ten times greater than the amount required to be paid, in order to obtain possession of the land upon which the timber is growing. Payment of the first instalment of the purchase-money is alone necessary for this purpose, and before the second instalment is due, or any measures are adopted to enforce payment, the timber may be cut down, and the land abandoned. To what extent this has been the case it is difficult to determine; but there is no doubt that very large tracts have been purchased for the sake of the timber merely; because the whole purchase-money, if paid, has been very far less than the price of timber licences, and because the land would remain in the possession of the purchaser after the timber had been cut. Besides this cause of defalcation in the revenue that might have been derived from this source, there has been no proper inspection on the spot, so that the quantity of timber cut has been very far greater than that for which a licence has been obtained.

The plan which I have proposed of selling land at a fixed uniform price, and requiring the payment of the whole purchase money at the time of sale, will prevent, to a very considerable extent, the purchase of land for the mere sake of the timber. As the land upon which the most valuable timber grows, is generally of an inferior quality of soil, and of no value for agricultural purposes, it may be expected that but little of it will be purchased, and that the whole timber fund will be derived from the sale of licences. It will therefore be expedient to establish an efficient system of supervision in all the timber districts; and by comparing the returns made by the district inspectors, of the quantity of timber cut, with the entries at the custom house of the quantity of timber shipped, some security may be obtained against the frauds which are now practised in respect of this property.

Min. of Ev.  
 Q. 359.

It is suggested by Mr. Kerr, that the present price of timber licences is too low, having regard not merely to the value of timber in the English market, but also to its price in the United States. Although disposed to concur in this opinion, I do not feel myself warranted in recommending any advance in that price at present upon the only information I now possess, and especially considering the uncertainty which is felt to be attached to the continuance of the present timber duties in England. This is one of the matters that must be left to the special authority which I shall subsequently recommend, to determine, from further and more accurate inquiries.

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The present average annual amount produced by the sale of timber licences in all the Colonies, appears to be about 24,000*l*.; but there seems no reason to doubt that under an improved system of inspection and management, this amount might be greatly increased.

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Timber.

The funds to be produced from all these sources, from the tax upon wild lands, from the sale of the public lands, and from the disposal of timber licences, should be specifically appropriated to such works as would improve the value of land and facilitate the progress of settlement. Of such works I may mention the construction of leading lines of road, the removal of obstructions in the navigation of rivers, and the formation of railroads and canals. In some of these works, the whole of the cost will be defrayed out of these funds; in others, it will only be necessary to afford a limited amount of assistance, in aid of works in which private capital may be invested, though not to a sufficient amount to complete the undertaking. Of the class in which only a partial assistance would be required, are the railroads and canals, which have been projected to connect the different Colonies with each other; or to improve existing or create new means of transport for passengers and merchandize to the Western States of the Union; and to which the resources of the Colonies are as yet unequal. Of these, I may mention the projected canal between the Bay of Fundy and the Bay Verte, referred to in the evidence of Mr. Mackay; the canal connecting the River Ottawa and Lake Huron, by means of Lake Nipissing and French River, referred to in the evidence of Mr. Shirreff; a projected railroad connecting Lake Ontario with Lake Huron; and the railroad from Halifax to Quebec. Nor can it be doubted that as population advanced and the resources of the Colonies were developed, numerous similar undertakings would arise in which a portion of these funds might be advantageously employed, and in which also, British capital might be invested with as much security, and might command as large a profit, as that which is now to so great an extent invested in similar undertakings in the United States.

Application of Funds.

Min. of Ev.  
Q. 1550, et seq.  
Min. of Ev.  
Q. 1046.

It is not needful that I should attempt to describe in detail the consequences which may be anticipated from such an application of the revenues which will be produced by the measures I have suggested; they have been already described by implication, in the picture which I have drawn of the state of the North American colonies under their present deplorable deficiency in all those matters for which the proposed expenditure would provide. It may fairly be assumed, that taken in connexion with the other measures, previously and subsequently suggested, they will introduce into the colonies a state of things as gratifying to every one friendly to British institutions, and interested in the welfare of the Colonies, as the present condition of these provinces is now the reverse.

But any plan which may be proposed for the improvement of these extensive and important provinces, must of necessity be incomplete, unless it provides for a large and constant immigration. It is only by means of such immigration that the execution of the great public works referred to above can be accomplished, and the vast tracts of appropriated desert filled up with settlers. It is indeed an essential condition of any scheme of emigration to which the Government of the United Kingdom is a party, that measures having a like object, if not identical in character, with those above suggested, should be adopted; and that their permanence should be secured by a legislative guarantee. But it is no less a necessary condition of any such measures, that the Government should provide for the direction of a constant stream of emigration to these colonies. Without the performance of the former condition, emigrants must still be exposed to many of the evils they have hitherto experienced; if capitalists, to the waste of their pecuniary means in an unavailing contest with the difficulties which unwise methods of granting public lands have placed in their way; if labourers, to a precarious and limited employment, cheered by no sure prospect of ultimate independence. And both will then, as now, be driven to avail themselves of the superior advantages offered by the neighbouring States of the Union. Without systematic emigration, too, there can be no security for the profitable expenditure of the sums it is proposed to raise in the colonies, and no opportunities for the proprietors of the wild land to bring their possessions under speedy cultivation. If there is no tax upon wild lands, and no improvement of the communications of the colonies, emigration would be unprofitable to the colony and injurious to the individual; and if there is no emigration, the proposed tax could hardly fail to press unfairly. Assuming, however, that the Government and the Legislature will not hesitate to apply the appropriate remedy to the evils I have described, and that the colonists will joyfully accept a measure so fraught with advantage to themselves, I proceed to the subject of emigration, a topic more immediately affecting the people of the United Kingdom than any of those to which I have hitherto referred. But before entering upon any detail of the measures which appear to me to be requisite in order that the emigration which I recommend shall be safe and advantageous to the emigrant, it appears needful that I should advert to its past and present condition.

Emigration.

Upon this subject very great misconceptions appear to prevail in England. It seems that all those who have made inquiries into the subject of emigration from the United Kingdom, have imagined that no interference was required with respect to that to the North American provinces; and that although some trifling matters of detail might require correction, the general character of that emigration was such as to forbid any intermeddling. This misconception is undoubtedly attributable, in a great degree, to the circumstance, that all the evidence obtained on the subject, was collected in the country from which the emigrants departed, instead of that at which they arrived. Had the position of the inquirers been reversed, they must have arrived at very different conclusions, and have discovered that no emigration so imperatively demanded the regulating interposition of the Legislature as that for which they specially refused to provide.



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Min. of Ev. Q. 568,  
et seq. 613 et seq.

Min. of Ev.  
Q. 163.

Ordered by the  
House of Com-  
to be printed,  
14 May 1838.

Min. of Ev. 588,

Min. of Ev. Q. 628.

The evidence which has been collected upon this subject is almost entirely confined to the case of those who arrive at the port of Quebec. The number of those who land in New Brunswick and Halifax is so small as to have attracted comparatively little attention. The want, I will not say of any adequate provision, but of any provision whatever, for the reception and employment of those latter emigrants has, indeed, been sensibly felt. But the manner of their arrival, and the arrangement for their transport, have been altogether overlooked. From the evidence of Dr. Skey and Dr. Morrin, it appears that, up to the year 1832, the condition of the emigrants, on their arrival in the port of Quebec, was miserable in the extreme; that numbers perished during the passage; that those who landed were the victims of contagious diseases, occasioned by filth and privation during their voyage; that many were landed in a state of utter destitution, without even the means of shelter; and that they introduced pestilence into the city, and formed a heavy burthen upon the charity of the inhabitants. It is stated, that on one occasion upwards of 400 patients with contagious diseases were admitted into the hospital at one time. Those, too, who escaped these evils were ignorant of the true circumstances of the country; without the means of ascertaining where, and in what manner, they could find employment, and too frequently, if employed during the summer, left without any means of subsistence during the winter. In fact the emigration of that period was fraught with evil to the emigrant and to the colony, and the ultimate advantage to either was purchased at the cost of great and needless suffering. It appears, however, from the Report of the chief agent for emigrants in the United Kingdom, an officer recently appointed in the Colonial department, that at the time when these evils were at their height, the Government Commission, formed in 1831, for the purpose of inquiring into the subject of emigration, were led by the evidence brought before them to imagine that the vast numbers proceeding to the North American Colonies, and especially to the Province of Lower Canada, had emigrated and established themselves in the colonies without any serious or lasting inconvenience. The evidence laid before them appeared to warrant such a conclusion; and the practical inference which this Commission drew from its inquiries appears to have been, that the system throve too well spontaneously to require, or even admit of, their interference. Unfortunately, however, the conclusions of this Commission did not rest at the point of non-interference. They conceived that they should be only fulfilling the object of their appointment, by diffusing among all those classes, who might be disposed to emigrate, correct information as to the rate of wages and the prices of provisions in the colonies; and they accordingly circulated as widely as possible, lists of wages and prices, and such other statements as might place the advantages of emigration in the most striking point of view. The result of these proceedings on their part was, that the emigration to all the North American Colonies, which had been 58,097 in 1831, amounted, in 1832, to 66,330. In the latter year, however, in addition to the ordinary diseases to which emigrants were exposed, the cholera made its appearance in the two Canadas. Vast numbers of the emigrants perished from this disease, in the most miserable manner, the inhabitants of the towns, under the belief that the disease was contagious, refusing to admit any strangers into their houses; and those who were attacked by it being literally left to perish in the streets. In the year 1832 a quarantine station was established at Grosse Isle, an island about 30 miles below Quebec, which, except in the two years of cholera, 1832 and 1834, has accomplished the object of saving the city from the contagious diseases by which it was formerly visited every year. The amended Passengers' Act also, and the appointment of agents at many of the ports of the United Kingdom from which the largest numbers of emigrants depart, have effected some improvements in the condition of the emigrants on board of many of the vessels. It appears, however, from the evidence of Mr. Jessopp and Dr. Poole, that the provisions of that Act are evaded in very numerous instances; and that cases still occur, in which from 70 to 80 passengers on board of a single vessel are attacked by contagious fevers. It appears, too, from the evidence of Mr. Forsyth, that the want of any effectual provision for the reception of emigrants, and for forwarding them to those places where they would find immediate and permanent employment, have been remedied in no appreciable degree by the appointment of emigrant agents in the colonies.

It is not necessary that I should attempt to prove, that it is the duty of Government to regulate the emigration that it continues to encourage, and to establish an efficient system of control over emigrant vessels; because this is admitted in principle at least, by the appointment of an agent-general for emigrants, and of subordinate agents at some of the ports of embarkation. But the measures adopted have been partial and incomplete; and though in some cases they have prevented, in many they have permitted the continuance of all the evils against which they were intended to guard. If looked at by an individual residing in England, it is probable that they may appear adequate and effectual, because in that country attention is directed exclusively to the evils they prevent. In the colonies their deficiency is apparent, since there, attention is naturally fixed upon those evils which they leave untouched. The evidence given upon this subject by gentlemen whose position necessarily makes them acquainted with the real character of emigration at the present time, and who can have no motive but the desire of remedying the evils they describe, leaves no doubt that this admitted duty of Government is still to a considerable extent unperformed, and suggests reasons for doubting whether the manner in which its performance has been attempted, is not faulty in principle as well as insufficient in detail.

There is not indeed any obvious reason why the Government should take less effectual measures to regulate emigration to the American than to the Australian Colonies. There may be a difference in the character and circumstances of emigration to the two regions, but none so great as to free the former from all interference, while the latter is in several cases, to a great extent, and in one, entirely, regulated by Government.

The

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The great amount of voluntary emigration to the North American Colonies, which has been assigned as a reason for the non-interference of Government, even if it be admitted as an argument against the offer of a free passage to any class, lest this offer should operate practically to deter many who emigrate upon their own resources, forms at the same time one of the most powerful arguments for the adoption of an effectual system of control over this voluntary emigration. Of the tens of thousands who emigrated every year, it must have been known that the vast majority were ignorant of the existence of any law to which they could appeal for protection against extortion or ill treatment. All of them were proceeding to a place where employment could be furnished to but a very small portion; and to these only for a limited period. The place of ultimate destination of nearly all the emigrants, was several hundred miles from the port of debarkation; and there existed no means of forwarding them to the spot where their labour would be in demand, upon the adequacy or permanency of which it would be safe for the Government to rely. Private societies, indeed, existed at Quebec and Montreal, to whom was entrusted the expenditure of some public funds for the relief of the sick and the destitute; but these funds were insufficient in amount, and the societies entrusted with their distribution were under no legal control. So incomplete and defective were the arrangements, that in the year 1834, when from the prevalence of the cholera the necessities of the emigrants were greatest, the societies in question had absolutely no public money at their disposal, on account of the expiration of the Provincial Act under which the fund had, till then, been raised. If, however, the Imperial Government refused to take upon itself the entire direction of emigration, in the fear that they might lessen its amount, they were the more bound to take such measures as were obviously within their power to protect or to assist the emigrants.

The measures which Government have adopted are however deplorably defective. They have left untouched some of the chief evils of emigration, and have very incompletely remedied those even against which they were especially directed. Although the safeguards for the emigrant during the passage are increased, and in many places enforced, yet there is still no check of any sort whatever over a large proportion of the emigrant vessels. The provisions for the reception of the emigrants at Quebec, so far as the Government is concerned, are of the most inefficient and unsatisfactory character; and the poorer class would have to find their way as they best might to the Upper Province, or to the United States, were it not for the operation of societies, whose main object is not the advantage of the emigrants, but to free the cities of Quebec and Montreal from the intolerable nuisance of a crowd of unemployed, miserable, and too often diseased persons. The government agent at Quebec has no power; he has not even any rules for his guidance; and no monies are placed at his disposal. At Montreal there has not been any agent for the two last years. The whole extent therefore of the interference of the Government, has been to establish in England agents to superintend the enforcement of the provisions of the Passengers' Act in respect of the emigrants from some ports, and to maintain an agent in the Province of Lower Canada, to observe, rather than to regulate, the emigration into that province.

It may be doubted too, whether the source from which alone all the funds applicable to the relief of emigrants in Lower Canada are derived, is in reality one which ought to have been selected for that purpose. To tax the whole body of emigrants for the purpose of providing a remedy for evils which no adequate means have been adopted to prevent, and thus to compel the most prudent of that class to bear the burden of imprudence or negligence in others, is surely a measure of very doubtful justice. The practice has, I am aware, been defended by reference to the example of the United States, in some of the chief cities of which a similar tax is imposed. But this is a case which bears no analogy to the present. The United States have and can have no control over the arrangements for the transport of emigrants from the United Kingdom. The tax which they have imposed is therefore the only measure within their power, in order to prevent the whole burden of maintaining diseased or infirm emigrants from being cast upon them. They also have taken no part in encouraging emigration. If emigrants from the United Kingdom imagine that there are any peculiar advantages to be derived from emigration to the States, they cannot reasonably object to the payment of the small sum levied upon them for the protection of the community of which they are about to become members. With regard to the British Government, and the British North American Colonies, the case is different. The former have stimulated emigration, on the avowed ground that it is beneficial to the United Kingdom; and, except in the case of the Legislative Assembly of Lower Canada, the latter have welcomed it, on account of the capital and labour thus introduced among them. In this case too, the Government of Great Britain possesses the means of establishing an efficient control; and it therefore not merely compels emigrants to provide almost alone against the inconveniences incident to the attainment of a great national object, but to pay for the inadequacy of the measures which Government has adopted, or the remissness of the officers it has appointed. I do not mean to assert, that the imposition of this tax has been attended by no advantages to the emigrants; but these advantages have been confined to a few, and might have been with more certainty and with more justice secured by other

There has not indeed been any greater degree of uniformity in the proceedings of Government in reference to this than to the other subjects comprised in my inquiry. In Lower Canada there has been a tax imposed upon all emigrants from the United Kingdom arriving at the port of Quebec. In Upper Canada a sum not exceeding 5,000 £. in the whole, out of the casual and territorial revenues, has been appropriated by Government to purposes connected with immigration. The funds received in Lower Canada are placed under the control of private societies, or devoted to objects only indirectly

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Q. 1003.

rectly under the superintendence of the Government. They are applied too in such a manner as to lead to the presumption, that the only object of the legislature in imposing the tax upon emigrants, was to rid the province of them as speedily and as completely as possible. In Upper Canada the funds are placed at the disposal of an officer of the Government, and are so applied as to afford to emigrants an inducement to remain in the province. There has been no subordination of offices, and even no proper connexion between the agent in Lower and the agents in Upper Canada. It has consequently been impossible that any connected and uniform measures should be adopted. The result of this want of regularity or method, in conjunction with the circumstances of the colonies produced by the manner in which the public lands have been disposed of, has been that, of the emigrants arriving at Quebec, three-fifths according to Mr. Forsyth, and about half according to Mr. Hawke, have, either immediately, or after a very short period, proceeded to the United States.

I cannot doubt but that the facts disclosed in the evidence appended to this report, and referred to above, will induce Her Majesty's Government to adopt some more effectual means than have hitherto been pursued, to regulate the voluntary emigration to these Colonies. But their efforts ought not, I conceive, to end there. Numbers who would form most valuable labourers in the colonies are prevented from emigrating, because they have not even the small sum at present requisite to defray the cost of their passage. Numbers too, it cannot be doubted, are deterred by what they have learned of the sufferings of those who have emigrated. If any proof was required of the truth of the latter opinion, it is to be found in the fact, that the emigration to the Canadas, which in the year 1832 amounted to 52,000, and which had been regularly increasing up to that period, fell off to 21,000 in 1833, on account of the miseries endured by the emigrants of the former year. Nor has it ever recovered from this check. In only one subsequent year has the emigration to Quebec exceeded 30,000, or about three-fifths of its former amount. At the same time there has been no general disinclination evinced by the people of the United Kingdom to emigrate either to the United States or to other British colonies. So far as appears, a difficulty has been rather experienced in selecting out of the numerous candidates for emigration at the public expense, not such as in the opinion of the agents of Government were fit objects of the Government bounty, but such as without injustice to the rejected applicants, might be chosen as best suited to the peculiar circumstances of the colonies to which they were sent. From all I have been able to learn as to the proceedings of the South Australian Land and Emigration Commissioners, as well as of the chief agent for emigrants in England, the number of those who were willing to emigrate very far exceeded that for which the means at their disposal could enable them to provide.

In the North American colonies, however, under an improved system, such as I have above suggested, hundreds of thousands might find the means of employment and subsistence, most advantageously for the colonies and for themselves. It is assuredly not too much to say, that these provinces would support a merely agricultural population at least tenfold greater than that by which they are now inhabited; and this agricultural population would require, and would furnish employment, for a large amount of mechanics and artisans. Those whom the inevitable fluctuations of employment in a country like Great Britain, no less than those whom the improved methods of agriculture demanded by the circumstances of Ireland, would deprive of their accustomed means of subsistence, if enabled to emigrate to these provinces, not only would themselves benefit by the change, but would develop the resources and augment the wealth of the colonies to an incalculable degree. The unprecedented prosperity of the New States of the Union, which have within a few years sprung up in the wilderness, is owing entirely to the extent of the emigration which has been directed to them, no small portion of which has consisted of emigrants from the United Kingdom. The British Government has it in its power to direct to these colonies an emigration yet more extensive, and to provide for its permanent establishment there; and this without any cost to the United Kingdom. The funds which, under the system I have recommended, would be furnished by the colonies themselves, could not be expended in any manner so advantageous to the countries from which they are derived, as in providing for this emigration; and one great advantage to be anticipated from the execution of the public works, to which a portion of these funds is destined, is that such works would remove the principal difficulties now experienced by emigrants in obtaining employment or in establishing themselves as settlers.

I would, therefore, recommend, that a specified portion of the produce of the wild-land tax, and of the future sales of land and timber, should be applied in providing for emigration; a part in furnishing free passage to emigrants of the most desirable age, as far as may be of both sexes in equal numbers; and a part in defraying any expenses occasioned by the superintendence of the emigration of those to whom, in conformity with this rule, or from other circumstances, a free passage cannot be offered.

The whole emigration from the United Kingdom should be so far placed under the superintendence of Government, that emigrants conveyed at the public expense should necessarily proceed in vessels chartered and regulated by the Government, and that all persons willing to pay for their own passage, should be entitled to proceed in vessels so chartered and regulated, at a cost for the passage not exceeding the charge in private vessels.

Proper means of shelter and of transport should be provided at the different ports in the colonies to which emigrants proceed; and they should be forwarded to the place where they can obtain employment, under the direction of responsible agents, acting under a central authority.

Those who could not at once obtain employment as farm labourers or mechanics, should be

## Appendix (B.)

## Emigration.

be employed upon Government works, at the usual price of labour upon such works, which, as it is generally rather lower, having regard to the nature of the employment, than can be obtained in other occupations, will have no tendency to withdraw labour from any more useful direction.

I cannot recommend that any measures should be adopted to settle these emigrants upon land of their own. The previous habits of English labourers are not such as to fit them for the severe and painful labours to which they would thus be exposed, or to give them the forethought and prudence which such a position especially requires. Habituated to provide for the subsistence of the week by the labour of the week, they are too often found to shrink from a toil cheered by no prospect of an immediate return; and having exhausted all the means furnished for their temporary support, to leave the land upon which they were placed, in order to obtain subsistence as labourers for hire. The exceptions to this result are few and unimportant. They rather confirm than invalidate the rule, and have been procured at a cost utterly disproportionate to the object attained. It is rather to be feared, that in spite of any measures that can prudently be adopted, the majority of the labouring emigrants will be tempted, by the desire of becoming independent landholders, to settle themselves upon farms of their own at too early a period for their own comfort and prosperity. It cannot, however, be the duty of Government to precipitate this period, nor in any way to interfere with the natural and profitable order of things—that the possession of capital, and an acquaintance with the modes of husbandry practised in the colonies, should precede settlement.

It would be impossible at the present moment to decide upon the amount of emigration for which it would be prudent to provide. This can only be ascertained by inquiries made upon the spot, under the direction of an authority created for the purpose. It is most essential, however, that it should not be too limited. The works proposed to be carried on will afford abundant means of employment for an amount of emigration very far beyond the present apparent demand for labour in the colonies; and by facilitating settlement, and increasing the opportunities for a profitable investment of capital, will create numerous sources of employment which do not now exist. A copious stream of emigration will supply the means for its own maintenance, but any deficiency in this respect cannot fail to be injurious; and must either lead to the withdrawal of labour from agricultural pursuits, to the construction of public works, or must leave these latter without the necessary means for their completion. The details of this subject may, however, safely be trusted to the authorities by whom the general plan is to be carried out.

## Loan.

The measures recommended above, although I believe quite adequate to the ultimate and complete cure of the evils I have described, must, however, be necessarily slow in their operation; while the evils against which they are directed stand in need of an early remedy. A considerable immediate outlay is required for the execution of the greater and lesser works of communication through all parts of the colonies, in an effectual and permanent manner, after which they may be kept in repair at a comparatively trifling expense. A small portion of the funds raised would suffice to maintain roads when once made; but the whole fund raised in the colony for several years would be required for the original construction of roads, and the produce of the future sales of wild lands and timber which would be applicable to the same purpose, will for some time be probably very trifling. As, however, until these roads are made, it will be well nigh impossible that the country should be settled, the proprietors of the wild land would be compelled to pay the tax for many years before they could reap any great advantage from its application. The emigration, also, which I have recommended, ought to be comparatively greater in the first instance than it would require to be at any future period; and would constitute, therefore, an additional demand upon this inadequate fund. But the tax, and the produce of land and timber sales, though insufficient as capital, would furnish an available security as interest; and if the permanence of the system were guaranteed by an Imperial enactment, there would, I believe be no difficulty in raising, in the English money-market, a loan to any required amount, to be employed for the purposes to which it is intended that these funds should be devoted. The yearly produce of the tax would be, for all the colonies, speaking in round numbers, and allowing for all possible costs of collection, about 150,000*l.*; and though it may be expected that a very considerable portion of the tax will be paid in land, yet, as such land would be taken at less than half of the proposed future price of wild land, this would greatly increase the ultimate value of the security. The public lands, too, in the different colonies, making a similar allowance for the cost of management, would produce eventually upwards of 7,600,000*l.* And, without including the produce of timber licences, which would, nevertheless, amount to a considerable sum, the two together would form a very ample security for any advance which might be required. I should, therefore, further propose, that loans should be raised upon the security of these two funds, and be employed partly in all such public works as may be required, and partly in promoting the emigration of labourers. It will be seen at once that the proposed security would be the more certain exactly in proportion to the funds raised upon it, and devoted to purposes directly tending to augment the demand for the land and timber, by the sale of which the loans would ultimately be paid off, and interest provided in the meanwhile. The amount of the money which should be raised in this manner cannot be determined beforehand. It must depend upon circumstances, and must be left to the judgment of those to whom the execution of the plan is to be entrusted. By anticipating, in this manner, the revenue to be created by the system, a stimulus would be at once given to the prosperity of the colonies, of which it is impossible to exaggerate the beneficial results.



Appendix (B.)  
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Commission.

In order that the plan thus suggested may be carried out with uniformity and effect, it will be necessary that some special authority should be created, charged with the execution of the whole measure, and rendered thoroughly responsible to Parliament. It is obvious, indeed, that no sufficient machinery for this purpose exists at present, either in the Colonies or in the United Kingdom. To fulfil adequately the duties thus imposed would occupy the whole time, and demand the undivided attention, of those to whom the task is confided. The general principles of the measure must be embodied in an Act of Parliament; but there will necessarily be many details for which no enactment could provide by anticipation, and which, in fact, can only be appropriately arranged as the practical working of the measure shows their necessity. I should suggest, therefore, that a central commission should be appointed in the United Kingdom, with subordinate general and assistant commissioners in the Colonies. To these should be entrusted the whole execution of the plan; and the central commission in England should have power to frame such rules, orders, and regulations, having the force of law, as would be necessary to give effect to the principles laid down in the Act of Parliament. The duty of the English Commission would be to regulate the disposal of the public lands and timber, to regulate the imposition and application of the proposed tax, to provide for the selection and transport of emigrants, and to raise by way of loan the monies required for all these purposes. The Colonial Commission would see that the regulations of the English Board were carried into effect; would superintend the execution of all public works; would receive and forward emigrants; would provide employment for such as were not employed by the inhabitants of the colonies, and would exercise a supervision and guardianship over them for a specified period. It would be necessary that in each colony there should be a commissioner subordinate to the general Board; and that agents should be appointed, for districts of convenient dimensions, charged with the actual sale of land, with the collection of the 'ax, with the perfecting and registry of titles, and with all matters connected with the business of the general Board, which related to the superintendence of the public works.

As a further guarantee for the responsibility of the proposed commissions, frequent reports of all the correspondence between the English and Colonial Boards, and frequent reports of their proceedings, should be laid before both Houses of Parliament, and before the Legislature of the Colonies. Without provision for entire publicity in the proceedings of these commissioners, I should despair of any very beneficial results from their appointment. The evils which I have had to describe could not have so long existed without any adequate attempt to remedy them, if the administration under which they have taken place had not been conducted in secrecy.

Without such a special authority, it would be idle to expect that any measure, however admirable in principle or perfect in detail, can be satisfactory in practice. The experience of all the Colonies, up to the present moment, has sufficiently shown, that no care in framing general regulations, can be effectual without some more constant and peculiar control than it has hitherto been practicable to exercise. These rules have been uniformly evaded or neglected; and as it has frequently happened that those only knew their real character, who were charged with their execution, it was well nigh impossible that the fact of their violation should be made known to the Imperial functionaries by whom they were framed. Often, too, it has been the case, that, when their existence and nature were public, those who were made acquainted with their violation profited by the transaction in which they were violated; and if others also knew of the occurrence, they had no immediate interest in its exposure, or could not obtain attention from the distant authority to whom reference must be made, occupied as it was with far weightier matters than what it might deem a solitary infraction of rules supposed to be generally obeyed. It is in this way only that we can account for the fact, that the systematic neglect of the regulations, successively framed for the disposal of the public lands by various Secretaries of State, should have remained unknown; and that it should have been believed, even up to the time when the instructions of Lord Glenelg were issued in 1837, that the previous instructions of Lord Goderich were observed, when in fact there was not a single colony in which they obtained any degree of observance. That the Secretary of State for the Colonies should still have the supreme control of this, as of other matters of administration connected with the colonies, appears undoubtedly advisable; and this will be secured by a provision, that all regulations framed by the Board of Commissioners should receive his sanction; but the enforcement of these regulations, if it is intended that they should be enforced, ought to be entrusted to some special and peculiar authority, and subjected in every possible way to the public inspection. I suppose that the costs of the proposed commission would be defrayed by the revenue which this system of colonization would call into existence.

In concluding this Report, I have only to repeat, that the Imperial Government has but the alternative of adopting the measures which I have recommended, or others similar in their character and tendency, or of abandoning absolutely all control over the public lands, and discouraging, instead of encouraging, emigration to the colonies. In the event of the former course being pursued, we may, I think, confidently rely upon seeing these colonies enter upon an unparalleled career of prosperity, and upon cementing indissolubly the ties which now connect them with the United Kingdom. In the latter, there appears no other prospect than that of continued stagnation, languor, and consequent discontent.

I have the honour to be,

My Lord,

Your Excellency's most obedient, humble Servant,

Charles Buller,

Commissioner of Crown Lands and Emigration.

Quebec, }  
2 November 1838. }

MINUTES OF EVIDENCE taken before ASSISTANT COMMISSIONERS OF  
CROWN LANDS and EMIGRATION.

LOWER CANADA.

*John Davidson, Esq., one of the Commissioners of Crown Lands in Lower Canada;*  
14 July 1838.

1. WHEN were you appointed to your present office?—In October 1837.

2. What were your opportunities, before that appointment, of acquiring information as to the state of the Crown property in this Province?—I was appointed Surveyor-general of Woods and Forests in 1827; in 1830 that office was abolished, and the duties were to be performed by Mr. Felton, the Commissioner of Crown lands. The Government offered me a retiring allowance till I could be provided for: not wishing to receive this without an equivalent, I offered my services to assist Mr. Felton. That offer was accepted, and I remained as such assistant till his suspension in August 1836, when I was put in charge of the department.

Evidence.

*J. Davidson, Esq.*

3. You have therefore been constantly engaged in the department of Crown lands during the last eight years?—I have.

4. Of what does the landed property of the Crown in this Province consist?—All the estates which were held by the King of France at the time of the conquest, which may be arranged as follows: 1st. Certain fiefs in the city of Quebec and town of Three Rivers, whereof the censitaires held immediately under the Crown. 2d. The forges of St. Maurice, which were established by the old French government, and have been let for different terms to private persons. 3d. The King's trading posts, which signifies that portion of the Province of Lower Canada between the settled lands on the north bank of the St. Lawrence, and the land held under the charter of the Hudson's Bay Company, and which tract is held by that Company under a lease that secures to them the sole right of hunting, fishing, and trading on that territory. The lease expires in 1842. 4th. The King's wharves in Quebec, which were originally formed by the old French government, and have been improved by the British Government, and are now let upon lease to individuals. 5th. The estates held at the time of the conquest by the late order of Jesuits, which, upon the extinction of that order in the Province, were reserved by the Crown, and which consist of extensive seigniories and of other property, including buildings in the city of Quebec and town of Three Rivers. 6th. All the beaches and water lots upon all navigable rivers. The beaches consist of the land on both sides of the rivers between the highest and lowest water-mark, and the water lots extend from the lowest water-mark into deep water. 7th. The whole of the waste and unappropriated land within the Province. In addition to this the Crown is entitled to a mutation fine upon the sale of seigniories, varying from the maille d'or, which is a nominal acknowledgment, to one-fifth part of the purchase, which is the more common fine, and payable in either case before the seignior is admitted to perform fealty and homage.

5. What part of this property is under the control of your department?—Under instructions from the Treasury, dated November 1826, by which the office of Commissioner of Crown lands was created, the property placed under his control consisted of the waste lands which have not been surveyed or laid out; waste lands which have been surveyed and laid out, but of which no part has been granted; ungranted lands and Crown reserves in districts where grants have been made; lands which have been granted in perpetuity upon payment of quit-rents or other rents; leases, and reserves which have been granted upon leases, for series of years upon reserved rents or otherwise. Practically the Commissioner of Crown lands has not had any superintendence of any land which has been granted in perpetuity upon the payment of quit-rents, or other rents.

6. Under whose management then is the land so granted in perpetuity upon the payment of quit-rents or otherwise?—The inspector of the King's domain.

7. Then, in respect to the property in question, the Treasury order of November 1826 has not been observed?—The local government have not considered the order to apply to that property.

8. But the property is specifically named, is it not, in the Treasury order?—It appears so.

9. Under whose superintendence are those portions of the Crown property which are not contained in the Treasury order of November 1827?—The Jesuits' estates, which have been placed  
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Evidence.  
J. Davidson, Esq.

at the disposal of the Provincial Legislature for purposes of education, are under the superintendence of a commissioner called the Commissioner of Jesuits' Estates. The fiefs in the city of Quebec, and the Town of Three Rivers, as well as the fines upon the alienation of seigniories, are under the superintendence of the Greffier du papier terrier.

9\*. What is the name of the gentleman holding that appointment?—The Honourable F. W. Primrose.

10. Is he not also inspector of King's domain?—Yes; neither the forges of St. Maurice, the King's trading posts, the King's wharves, nor beaches, are to my knowledge under any special superintendence, but the administration of this property rests with the Governor and Council, who relet the forges and wharves whenever a lease expires, and determine applications for beach and water lots.

11. Has any particular office the charge of preventing encroachments upon the beaches and water lots?—Not that I am aware of.

12. In what way can such an encroachment be removed?—I believe by indictment for a nuisance.

13. At whose expense?—Generally at the expense of the private prosecutor.

14. Are you aware of the mode in which the lands of the Crown were originally disposed of by the French Government?—I understand that they were granted in fief and seigniority. The most intelligible way of expressing it would be, that manors were created, containing from nine to 36 square leagues, and were granted to individuals, to be by them surveyed, subdivided, and conceded to whoever might apply for the same, upon certain conditions of settlement and service, and the payment of a small fixed quit-rent, and a fine upon alienation, amounting to one-twelfth of the purchase money; with a further privilege of *bannalité* or the right of compelling all the censitaires or copyholders to grind their corn at his mill, paying one-fourteenth for grinding. The seignior had also the right of reserving to himself such a portion of land as he might choose to cultivate in the immediate neighbourhood of his dwelling house, as domain land, but was bound to concede all the rest upon application. The service to be performed by the copyholders were *corvées* or labours for the benefit of the seignior on his domain or at his mill, for which, whenever it was exacted, an allowance was made in abatement of the rent.

15. What has been the amount of land granted upon this tenure?—Eleven million arpents, or about 9,439,000 acres.

16. What proportion of these seigniorial grants have been conceded by the seigniors?—Rather more than 5,000,000 arpents, or 4,300,000 acres.

17. Then there remains unconceded nearly 6,000,000 arpents?—Yes; but this includes the barren island of Anticosti, which contains 1,800,000 arpents, and the mountainous land at the back of the settled parts of the seigniories to the north of the St. Lawrence.

18. Can you give an account of the different modes in which, since the conquest, waste lands, the property of the Crown, have become the property of individuals?—There have been at least seven different modes pursued at different times. From the acquisition of the province in 1763 up to about 1776, land was granted, under instructions from the Crown, named in England, under location tickets, in free and common socage. These location tickets were of a military character, confined principally to the district of Quebec. Some are on record for the district of Gaspé; but, generally speaking, they contain provisos authorizing the Crown to resume for military purposes. I have no means of ascertaining how much land was disposed of under these regulations, since a considerable portion of the land so granted was subsequently included in the Province of Upper Canada. In 1776, these instructions appear to have been superseded by instructions from the Home Government, which directed that all lands then or thereafter to be subject to the disposal of the Crown, should be granted in fief and seigniority, in like manner as was practised antecedent to the conquest, but omitting any reservation of judicial powers. Under these instructions three seigniories appear to have been granted. These instructions appear to have been modified in 1786, by instructions to Lord Dorchester, whereby it was ordered that grants should be made to emigrant U. E. loyalists and to disbanded soldiers; and further that grants should be made to the officers and privates of the 84th regiment of foot, in the following proportion:

To field officers	-	-	-	-	-	5,000 acres.
To captains	-	-	-	-	-	3,000 —
To subalterns	-	-	-	-	-	2,000 —
To non-commissioned officers	-	-	-	-	-	200 —
To privates	-	-	-	-	-	50 —

These grants to be held under the Crown as seigniories, and subject to all the seigniorial duties. I believe that very little, if anything, was done under these instructions to Lord Dorchester; for the emigrant loyalists and soldiers objected to the feudal tenure, and, accordingly, the local government appear to have reverted to the system of location tickets, established under the instructions of 1763, and which had been suspended by those of 1776. After the passing of the Constitutional Act of 1791, lands were granted by patent to leaders of township and their associates. Under this system 1,200 acres were granted to the leader and 1,200 acres to each of his associates, it being quite notorious that in many cases the whole, and in none less than 1,000 acres were immediately reconveyed by each associate to the leader. This system was pursued till about the year 1808, when a greater degree of vigilance was observed. Partial grants, to the extent of 200 acres, were made to individuals between that year and 1812, when the American war commenced. Between 1814 and 1818 little land was granted, and, in the latter year, a system was introduced of granting lots under location tickets, containing specific duties of settlement. This system was superseded by instructions

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instructions from the Treasury, dated November 1836, which instructions established a system of sale, but permitted exceptional grants. That part of these instructions which established the mode of payment for land sold, and permitted exceptional grants, was superseded by instructions from Lord Goderich in 1831, which instructions however were not acted upon, the former mode of selling having been continued, with the sanction of the local government. In 1837, instructions were received from Lord Glenelg, requiring payment of the full amount of the purchase money at the time of sale, by which instructions my office is now regulated. Besides these different systems, the Home Government has retained an authority to make exceptional grants, and has frequently exercised it, as in the case of certain executive councillors, members of the land boards, to each of whom the Duke of Portland ordered a grant of a quarter of a township, or nearly 12,000 acres; the grant of nearly 50,000 acres to Sir R. S. Milnes, formerly governor of the Province; a grant to Mr. Felton, an emigrant from England, who brought the order with him, of 5,000 acres positively, and 5,000 more conditionally; unconditional grants to some other persons who accompanied him; the instructions to the Duke of Richmond (of which no copy is extant in the colony) by which grants of land were directed to be made to such persons as had served in the embodied militia; the free grants of land to officers and privates who had served in the British army, and the remission of purchase money to an equivalent amount, which was afterwards substituted for the grant of land; and lastly, the order of Lord Goderich in 1832, directing a free grant of land to military pensioners, who had commuted their pensions. The Canada Tenures Act formed another exception, as the commutation of a seigniorship was equivalent to a free grant to the seignior of all the unconceded lands within its limits. There was also an exceptional sale of a very considerable tract of land to the British North American Land Company.

19. Be so good as to describe the system of granting land on location tickets which prevailed from 1763 to 1775?—These grants were, as I have mentioned, of a military character. I do not find that they were subject to any other condition than that of a right of resumption by the Crown, if the land was required for military purposes. They were granted chiefly under the authority of land boards, who decided upon applications.

20. What was the system of leaders and associates?—The leader of a township having collected as many signatures to a petition as would make up the quantity that he required (being for a whole township, or 48,000 acres, 80 signatures of associates, and for any smaller quantity, in a like proportion; no less than a quarter of a township having been applied for under this system), lodged his application at the Governor's office. It was then referred to the Executive Council. The application being recommended by the Council and approved by the Governor, an order issued to the Surveyor-general to survey the tract applied for. The return to that order being made, the Attorney-general was instructed to prepare the draft of the letters patent, which were engrossed by the provincial secretary, and, after being audited by the auditor of land patents, passed the great seal. The grant was of 1,200 acres to each one of the body of applicants.

21. How did the applicants divide the land granted?—I doubt whether any division ever took place.

22. Did they then hold the property in common?—No; but each associate conveyed his 1,200 acres to the leader.

23. What was the consideration for these conveyances?—It might almost be said that there was, in fact, no consideration. The whole was a plan devised for the purpose of eluding the instructions from the Home Government, under which no person could obtain a grant of more than 1,200 acres. The associates were persuaded to sign their names to the petition, not with any expectation of obtaining land, but on a promise of some small sum for their trouble. At the time of signing the petition, an agreement was signed by the parties (the original draft of which it is said was prepared by the then Attorney-general), by which each associate bound himself to convey to the leader from 1,000 to 1,100 acres, in consideration of the trouble and expense of procuring the survey and grant. The conveyance was accordingly made, and afterwards the remaining 100 to 200 acres were conveyed by the associates for one or two guineas, as the case might be, which was the real consideration for their share in the transaction.

24. Do you imagine that the Executive Council, by whom those grants were recommended, were generally aware of the agreement between the leader and his associates?—Certainly so; it was quite notorious. Forms of the agreement were printed, and publicly sold at the law stationers in Quebec.

25. Did it ever happen that a member of the Executive Council was a leader of a township under this system?—It appears, from the list of leaders, that several of them were.

26. Do you imagine that any applications of this kind were ever refused by the Executive Council?—I do not imagine that there were.

27. Probably, however, no application was ever made without a previous assurance that it would be granted?—I should apprehend that such must have been the case. As the matter involved some expense, no one would have gone into it without a previous communication.

28. The system in question is referred to, in the following terms, in the Report of a Committee of the House of Assembly on the Settlement of Crown Lands, dated the 23d February 1821: "Your Committee, unwilling to believe that the above-mentioned evasions of His Majesty's gracious instructions had been practised with the knowledge, privity, or consent of His Majesty's servants, bound by their oaths, their honour, and their duty, to obey them, instituted a long and patient investigation into the origin of these abuses. They have been painfully, but irresistibly, led to the conclusion that they were fully within the knowledge of individuals in this colony, who possessed and abused His Majesty's confidence. The

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instruments by which this evasion was to be carried into effect were devised by His Majesty's Attorney-general for the time being, printed and publicly sold in the capital of this Province; and the principal and intermediate agent was His Majesty's late assistant surveyor-general." Do you imagine that description to be substantially correct?—From the care with which that report was drawn up, and the high character of the gentleman who drew it, I can have no doubt of its being substantially correct.

39. Have the lands, granted under this system of leaders and associates, been generally settled?—No.

39. What proportion, do you suppose, have been settled?—I cannot exactly say; but I believe the settlement of these lands to be confined to the townships on the frontier line of the United States.

31. But in what proportion to the whole?—I cannot tell.

32. Do you suppose as much as half?—No.

33. A quarter?—I think not.

34. Would you be able to ascertain by a further inquiry?—I will endeavour to do so.

35. All that portion of these grants which have not been settled remain, therefore, in a perfectly wild state?—Yes, with the exception of occasional clearances made by squatters, who have gone to make potash.

36. Were any conditions attached to the grants under this system?—The conditions were, within one year, to settle a family for every 1,200 acres; within two years, to plant and cultivate two acres for every 100; and within seven years, to plant and cultivate seven acres for every 100.

37. Were these conditions generally fulfilled?—Not as a system.

38. What do you mean by that?—I mean that the instances will be found to be very rare, where the grantees set to work in good faith to perform the conditions of the grant. In the townships bordering upon the American frontier they will, in many instances, be found to have been fulfilled, but not in the centre townships, or in those bordering upon the seignories.

39. To what do you attribute this difference?—That many of the parties applying for land on the frontier were *bona fide* applicants, desiring the land for the purpose of settlement. I believe they were chiefly Americans.

40. But, in the cases where the whole grant became the property of the leader, in the manner which you have already described, the conditions were not fulfilled by the grantees?—I should say certainly not.

41. Was there any machinery for securing the performance of these conditions?—Not that I am aware of; nor do I know that any steps were taken until the evil became so great as to induce the Imperial Government to establish a court of escheats, to enforce the forfeiture of lands in respect of which the conditions had not been performed.

42. I find, by article 59 of the Royal Instructions, dated December 1763, that the surveyor-general, or such other person as should be appointed by the Governor, was directed, "once in every year, or oftener as occasion should require, to inspect the state of grants of land made by the Governor, and make report thereof to the Governor in writing, specifying whether the conditions contained therein have or have not been complied with, and what progress has been made towards fulfilling the same." Are you aware if anything has been done in compliance with this direction?—I do not believe that the Instructions were ever acted upon, according to their tenor; but, as far as my recollection serves me, Lord Dalhousie did once direct Mr. Bouchette, the surveyor-general, to make a tour of inspection through the country, and report the state of the grants; but I do not know if any report was made on the subject.

43. Then, in fact, this article of the Instructions has not been considered binding?—I imagine they were not regarded as part of the code to be acted upon in granting land.

44. Will you now describe the proceedings under the system of location tickets, which superseded the practice of grants to leaders and associates?—The object of this system was to put an end to grants of land in all cases, except of actual settlement; in fact, under this system the grant was not to be obtained until after conditions had been performed. The first part of the system was to appoint an agent for each township, to act as superintendent of settlements therein. The quantity of land granted to any settler, under location tickets, was, generally speaking, limited to 200 acres. The conditions required were, that either the applicant or his family should remain on the land for the space of three years from the date of his location ticket; that four acres, at least, of the land should be cleared and cultivated, and a dwelling-house erected; and, on a certificate by the township agent of the performance of these duties, the applicant became entitled to his patent.

45. Were these conditions generally performed?—Very soon after the system was established a very important alteration was made, relieving the locatee or his family from the necessity of personal residence, and establishing that this condition might be performed by any person the locatee might place upon the land. This has produced a practice to refer the locatee for patent, on the production of certificates that four acres of land have been cleared, and a dwelling-house erected, leaving it to be presumed that there is a resident.

46. The conditions then, except as to actual residence, have been generally performed?—Yes, and more harm done to the land than if it had been let alone.

47. Please to explain that?—The requisite clearance was made, and the dwelling-house erected merely for the purpose of observing the letter of the conditions, but without any view to settlement. The four acres of timber were burnt off, and a hut raised, but no cultivation took place, and the whole effect was to cause the growth of a bad scrub wood in the place of the useful timber which had been removed.

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48. Was much land granted in this manner?—Yes, a good deal.
49. About what amount should you think?—563,169 acres.
50. What is the present state of this land, or the greater part of it?—The greater part of it is uncultivated.
51. Do you suppose that the greater part of it remains in the hands of the original grantees?—A very considerable proportion will be found in the hands of the original grantees, or their heirs.
52. The new system of location tickets, therefore, which appears to have been intended to check such an alienation of Crown lands as had taken place under the leader and associate system, and also to provide against land, the property of individuals, being left in a wild state, did not accomplish its object?—Not to the extent intended.
53. That object appears to have been defeated by the abandonment of the condition of personal residence?—It was so.
54. By whose authority was that condition abandoned?—By that of the Executive Council.
55. The militia grants, which you have before mentioned as being exceptional from the general systems from time to time in force, were made, were they not, upon the plan of the location tickets?—The first land grant in reward of militia services was that made to the officers and privates of the British and Canadian militia, who served during the siege of Quebec in 1776-6. Those parties received letters patent for their grants, subject to the same conditions as I have previously described as being contained in the grants to leaders and associates. The grants to the embodied militia who served in the last American war were subject to conditions of settlement according to the location ticket system.
56. As to the first set of militia grants, were the conditions generally fulfilled?—No.
57. As to the second set?—They have not been fulfilled.
58. How are the conditions evaded in both cases?—In the first case, the parties being in possession of their letters patent, sold their right, generally for a trifle, to parties who have held them in a wild state ever since, trusting that in time they might become valuable. In the second case, I believe that settlements would have been formed if there had been proper arrangements made to enable the grantees to reach their lands, with some superintendence immediately after they had got to it, to which the Canadians have been accustomed.
59. But, in point of fact, very little settlement has taken place under these grants?—Very little indeed.
60. Have the original grantees generally retained the property?—I have every reason to believe not to any great extent.
61. In what way have they generally disposed of it?—For very trifling considerations.
62. Have you any idea of the average amount of the consideration?—I should think that four or five dollars would be a very fair average.
63. So that, in many cases, the grant was disposed of for next to nothing?—Yes.
64. And in no case for a sum sufficient to be of permanent service to the grantee?—In no case, except, perhaps, where there happened to be water-power upon the grant.
65. Such cases would be very few?—Very few in proportion to the whole.
66. The whole object of the Government, therefore, in making these grants, both as respects the advantage of the militiamen and the cultivation of the land, seems to have been defeated?—To a great extent. The improvident manner in which the militiamen of 1776 disposed of their grants was to be expected from their character as townsmen. I have heard that one of these grants was sold for a bottle of rum. And it is to be lamented that the want of a proper arrangement prevented the object of the grant from being accomplished with respect to the grants to those who served in the last American war.
67. What has been the amount of land granted to militia claimants?—Under the claims of those who served in 1776-6, 232,821 acres; and under the claims of those who served during the last American war, 217,840 acres.
68. Are all the militia claims satisfied?—No; claims to the amount of from 500,000 to 800,000 acres are yet pending.
69. By what authority have militia claims been decided?—By that of the Executive Council.
70. Do you suppose that the claims now pending are generally made *bonâ fide*, i. e. that the claimant desires the grant for himself, or that the beneficial interest in such claims has been to any extent transferred to other parties?—My impression is, that the beneficial interest has generally speaking been transferred.
71. For what consideration generally?—For a trifling consideration, on account of their being subject to duties of settlement in the first instance, and the generality of the claimants not being aware, even to this moment, that they are relieved from them.
72. Have the claims of many individuals, do you suppose, been transferred to a single person?—Yes.
73. The purchase of these claims then has been a speculation in lands?—Yes.
74. How has it happened that so many of these militia claims have remained unsettled for so long a period?—The difficulty experienced by the militiaman when he was first discharged, in finding the land assigned to him, induced him either to give up the grant as useless, or to dispose of it for a trifle. The expense of the duties of settlement has operated in preventing the parties who may have purchased militia claims from urging the claim so acquired. Many of them would probably never have been pursued, if the new system of selling had not led to an expectation that wild lands will soon become more valuable.
75. So that the plan of selling, in substitution of all plans of free grants, which was intended to limit the alienation of Crown lands, has tended to bring forward claims, by the granting of which a very great alienation, on the free-grant system, would take place?—I think so; and this is a remarkable example of the manner in which two different modes of disposing of Crown lands may counteract each other.

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76. And besides the counteraction of the plan of selling now established, the object of the Government in admitting militia claims, so far as respects the advantage of the militiaman, would not generally be accomplished, if all the claims now pending were admitted?—Such is my persuasion.

77. The only persons who would benefit by the admission of these claims are, generally speaking, such as have made a trade of purchasing militia claims for a mere trifle upon speculation?—That is my view of the subject.

78. What was the exceptional case of the grant to pensioners which you mentioned just now?—An order for the free grant of 100 acres of land to the privates, 200 to sergeants, and 300 to serjeant-majors; army pensioners who had commuted their pensions for a sum of money.

79. Were there many cases of this description?—Yes; about 1,267 presented their credentials at this office and obtained orders of reference to the agents; of that number, 771 actually proceeded to their lands, and have since received licences of occupation, and of the latter number, 205 having performed the settlement duties required of them, have obtained letters patent. Of the first class, a great number disposed of their orders of reference at Quebec and Montreal for a mere trifle, and those who had purchased the orders forwarded them to the land-office here for licences of occupation, which were refused. Of the second class, many have since abandoned their different locations.

80. These grants appear to have been of but little advantage to the parties?—Of very little. Assuming these men to have been of a class fit for settlers, which very few of them were, the want of instruction to prepare or select the proper location, and of the necessary arrangement for their settlement, rendered the whole plan nugatory. It was even understood at the time that the pensioners arrived here in numbers, claiming the sums due to them for commutation of their pensions, before authority had been received from the commissariat to pay them. Many of them, too, were cripples or infirm, and the majority of them, when they obtained their commutation money, squandered it as fast as they could, and became miserable paupers about the place. Many of them died of the cholera, and they have at length nearly disappeared.

81. There remains the exceptional case of seigniorial lands virtually converted into free grants by means of the Canada Tenures Act; what was that practice?—By the Tenures Act, passed in 1825, seigniors were allowed to convert their holding in fief into a title by free and common socage, giving to their censitaires a right to compel a commutation from them, upon similar terms to those upon which they had commuted with the Crown. Some seigniors, holders of extensive tracts, availed themselves of this law, and the result has been that they now hold their land as an absolute property, discharged from the condition of conceding it upon the old terms to whoever might apply for it.

82. As to this unconceded property, therefore, commuted from the seigniorial to the socage tenure, the effect has been the same as if so much land had been disposed of by free grant?—It has.

83. Have not these seigniors chiefly confined the commutation to the wild portion of their domains?—With the exception of the seignior of Beauharnois, I conceive that to have been the case.

84. The virtual free grants, therefore, have been chiefly of wild land?—Yes.

85. And the quantity of wild land held upon the socage tenure has been proportionably augmented?—It has.

86. Proceeding to the Treasury instructions of November 1836, be so good as to state what have been the proceedings under the system which they established?—Those Treasury instructions required that all land should be disposed of by sale, the purchase-money to be payable in four equal annual instalments; with a provision that sales be made to poor settlers upon what is termed a quit-rent, but which was, in fact, interest at 5*l.* per cent. upon the estimated value of the land, redeemable at any time upon payment of that value. The land was to be disposed of by public auction, at an upset price; and the quantity to be put up for sale, as well as the price at which it was to be offered, were to be determined by the Governor, upon the recommendation of the Commissioner of Crown Lands, who was directed to make an annual report to the Governor for that purpose. Due notice was to be given of the time and place of sale, and of the quantity, situation, and upset price of the land offered; and any land not sold at that time was to be reserved for future sale in a similar manner by auction.

87. Were these regulations strictly observed?—As far as respects the annual report to the Governor, and there being an annual sale, they were; but a practice prevailed of disposing of what remained over from the annual sale by private contract, at the upset price.

88. Of course, the degree of competition at the annual auction sales depended upon the quantity of land which the Government brought forward for sale?—Yes, naturally.

89. Was the competition generally such as that the price obtained exceeded the upset price?—Very seldom, indeed. There are a few instances where the price obtained exceeded the upset price.

90. To what proportion of the lands disposed of under the auction system does this remark apply?—To a very trifling per centage of the whole; not exceeding 2  $\frac{1}{2}$  per cent., or one thirty-ninth part of the whole.

91. The object of selling by auction, therefore, was scarcely ever accomplished?—Scarcely ever. Nearly the same result would have been produced by a fixed price, without auction.

92. What do you suppose to have been the inducement for introducing the plan of sale by private contract, notwithstanding the direction that sales should be by auction?—The public advertisements led parties to suppose that there would be but one sale in the year; and the lands

lands having been once offered, and not bid for, it was conceived to be no disadvantage to the Government, but that it would meet the convenience of purchasers, to make private sales in the intervening period between the annual public sales.

93. Might it not have happened that a private sale was resorted to in some cases, in order to avoid the competition of an auction?—It might have so happened; but I have no knowledge of the fact.

94. You are acquainted with the sale by private contract, at the upset price, of \$5,400 acre to Mr. Tyler Harvey Moore?—I am.

95. That land was resold at an advance to the British American Land Company?—I understand so.

96. Then it is probable that if the same land had been put up to auction, the Company, or others, might have been ready to pay more for it than the upset price?—In the instance of that purchase, or of a part of it, I believe so.

97. Was much land disposed of under the Treasury instructions of 1826?—The whole amount of land disposed of, being virtually under these instructions, (those of Lord Goderich of 1831 never having been acted upon), was 450,469 acres of Crown land, and 209,811 of clergy reserves; in the whole, 750,280 acres.

98. What proportion of this extent of land do you suppose has been settled?—The purchases of 200 acres and under, amounting to 180,853 Crown, and 91,029 clergy, in the whole, 277,882 acres, have I presume been all settled. The major part of the remainder I believe to be still in a state of nature, with the exception of what may have been purchased by the British American Land Company.

99. Was the upset price during this period uniform or variable?—It varied very considerably, from 1s. 8d. to 10s. per acre.

100. Was the upset price the same throughout the Province during any one year, or were there different upset prices in different parts of the Province?—Always different upset prices in different parts of the Province.

101. Was the variation of upset price confined to the difference in different places; i. e. was the same upset price required during the whole period in each place?—Yes; the same upset price for each place was preserved during the whole period.

102. By whom was the upset price for each place determined?—The upset price was always determined by the Governor, upon the recommendation of the Commissioner of Crown lands.

103. Are you aware of any rule by which the Commissioner of Crown lands was guided in recommending different prices for different parts of the Province?—Remoteness from or proximity to a settlement formed one basis, and the quality of the soil another. He fixed that upset price which he thought in each case the persons desirous to obtain land would be best able to pay.

104. In point of fact, as the auction was almost nugatory, it was a fixed price?—Yes.

105. Supposing the object of the price to have been to prevent the acquisition of land by persons not intending to reclaim it, the price fixed by the Commissioner seems to have been too low?—That would seem to be the case.

106. If the price was intended as a check upon the alienation of Crown property, it was not sufficiently high to operate effectually?—Certainly not.

107. Was not this plan of selling all the while counteracted by other modes of disposing of Crown land being in operation at the same time?—It was; by the free grants to militiamen; by free grants to discharged soldiers of the British army; by free grants to officers (for the remission of the purchase-money to them is tantamount to a free grant); by some free grants made in England; and by the sale, in England, to the British North American Land Company, of a great extent of the best land in the country at a price very much below the highest upset price required under the general system.

108. Land disposed of under these exceptions may, perhaps, have amounted to as much as the land disposed of under the rule. Have you mentioned all the exceptions?—In addition to these there have been free grants, in fulfilment of promises or engagements by the Provincial Government, entered into before the plan of selling was adopted; and to this day parties are urging such claims, some of them to very considerable tracts.

109. What has been the whole amount of land sold under the Treasury instructions of November 1826, since the plan of selling was adopted?—750,280 acres.

[Note.—This includes the 209,811 acres of clergy reserve which are disposed of under the authority of an Act of the Imperial Parliament.]

110. And during the same period, what has been the extent of land alienated, in exception to those instructions, by free grant or otherwise?—841,039 acres, not including the sale to the British North American Land Company, which may be stated at 800,000 acres.

111. So that the quantity disposed of under the exceptions exceeds by more than 100 per cent. the quantity disposed of under the rule laid down by the Treasury order of 1826?—Yes, it does.

112. During the continuance of the pretended system of sale, as determined by the instructions of 1826, has it ever happened that land acquired by free grant during the same period could be purchased for less than the upset price required for Crown land in the same neighbourhood?—Yes, I believe there have been many instances of that being the case.

113. Can you specify any?—Yes; for instance, land under the militia claims has been constantly on sale at much less than the upset price of Crown lands; lands granted to officers, with a remission of the purchase-money, such as I have already described as free grants in reality, have been sold for much less than the upset price of these lands would have been if they had been brought to sale; free grants to discharged soldiers have been under sale in the



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same way; and besides this, lands obtained under free grants before the plan of selling was adopted, such, for example, as the grant of 48,000 acres to Sir R. S. Milnes, have been continually on sale for less than the upset price required for Crown lands in their neighbourhood.

114. You mentioned that Lord Goderich's instructions of 1831, in so far as they differed from the Treasury instructions of 1826, have not been carried into effect. What is the difference in question?—The instructions of 1826 directed that the purchase-money should be paid in four equal annual instalments, without interest. Those of Lord Goderich required the payments to be made by four instalments at intervals of six months, and to bear interest; the difference being between three years without interest, and 18 months with interest.

115. Lord Goderich's price, in point of fact, was higher than the other, or at least more restrictive of alienation?—It would have been if it had been acted upon; at least that would appear to have been his Lordship's intention.

116. How did it happen that this instruction was not acted upon?—In consequence of a representation from Mr. Felton, the Commissioner of Crown lands, to Lord Aylmer, the Governor of the Province, stating that the terms imposed were too severe, and amounted, in fact, to exacting the whole purchase-money down. Lord Aylmer upon this authorized Mr. Felton to continue the former practice, and, it is understood, reported the circumstance to the Home Government. This was in the year 1832; and the system of longer credit without interest continued to be acted upon until the receipt of Lord Glenelg's despatch of 1837, which required payment in ready money at the time of sale.

117. Have any sales taken place under that order of Lord Glenelg?—No; some applications have been made for liberty to purchase, but of very trifling amount. This is accounted for partly by the fact, that requiring payment in ready money naturally operates as a check to purchasers for speculation or jobbing purposes, and partly by the political state of the Province during the last year.

118. Have you mentioned all the methods by which Crown lands have been disposed of in the Province since the conquest?—With the exception of leases of Crown and clergy reserves, and some partial sales about the year 1810 for a special purpose, I think that I have.

119. What are the Crown and clergy reserves?—The clergy reserves, according to the Act of 1791, establishing the constitution of the Province, were to consist of a reservation in respect of each grant of waste land, "as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the land so granted." Crown reserves consisted of a seventh part of each newly erected township, set apart, upon the recommendation of the Executive Council, for the support of the civil government. These reserves were made in all the townships until the establishment of the system of sale in 1827; since which time the Crown reserves, though they do appear upon the diagram, yet, being open to purchase by individuals, have really been discontinued. Since that time also, the clergy reserves have been put up to sale in the same manner as the Crown property, under the authority of an Act of the Imperial Parliament, but the reserves are still made, and the money received upon their sale is carried to a separate account.

120. The Constitutional Act directs, that land equal in value to a seventh of the land granted, as nearly as the same could be estimated, shall be reserved for the support of the clergy; how has that direction been carried into effect?—It has been left to the discretion of the Surveyor-general, who, in the absence of means to estimate the value, has substituted a proportion of quantity.

121. What then has been the proportion reserved for the clergy?—A portion equal to one-fifth of the land granted.

122. But the Act says equal to one-seventh of the land granted?—Yes; I can only say that the practice has been such as I have described. The practice has arisen from the fact, that one-fifth of the granted land in a township was equal to one-seventh of the township; only five-sevenths being grantable, because one-seventh was reserved for the clergy, and one-seventh for the Crown.

123. The proportion of one-seventh, then, was reserved for the clergy, not only upon the land granted to individuals according to the terms of the Act of 1791, but also upon the reserve for the Crown, and also upon the reserve for the clergy; the effect being to reserve for the clergy one-seventh of the whole land of the province, instead of a portion equal to one-seventh of the land actually granted, or one-eighth of all the land of the Province, as directed by the Act of 1791?—Yes, such has been the case.

124. Has not the plan of selling Crown and clergy reserves altered the proportion of land reserved for the clergy?—Yes; because reservations are made for the clergy upon every sale of Crown and clergy reserves, in addition to the original reservation.

125. In what proportion is the new reservation made?—One-fifth of the land sold.

126. Then, under the operation of the present system, the reserves for the clergy are equal to one-fifth of the whole land of the Province, instead of an eighth, as directed by the Act of 1791?—Yes.

127. What are the exact words of the Act of 1791?—"That whenever any grant of lands within either of the said Provinces shall hereafter be made by or under the authority of his Majesty, his heirs or successors, there shall at the same time be made, in respect of the same, a proportionate allotment and appropriation of lands for the above-mentioned purpose" (the support of a Protestant clergy) "within the township or parish to which such lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit, and that no such grant shall be valid or effectual, unless the same shall contain a specification of the lands so allotted and appropriated in respect of the lands to be thereby granted, and that such lands so allotted and appropriated shall be, as nearly as the circumstances

stances and the nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated, at the time of making such grant, equal in value to the seventh part of the land so granted." So that, supposing 700 acres to have been granted, the clergy reserve in addition would have been 100 acres; that is, a portion equal to a seventh of the grant, and equal to an eighth of the whole land disposed of?—Yes.

123. Whereas at present, supposing 700 acres to be sold on behalf of the Crown, there is in the first instance a reservation of 140 acres in respect of such sale, and then upon the sale of such 140 acres a further reservation of 28 acres, and so on, reserving one-fifth upon every sale, till the process could be continued no longer; which would make the whole land disposed of 875 acres, and the reserve to the clergy 175 acres, or one-fifth of the whole land disposed of?—Yes, such is the case.

129. What has been the whole amount of land granted, in respect of which clergy reserves have been made?—Rather more, including the sale to the British American Land Company, than 3,500,000 acres.

130. The reserve, then, for the clergy upon this quantity, according to the proportion fixed by the Act of Parliament, would be about 500,000 acres, while, according to the practice now in force, it would amount to 880,000 acres, being an excess of 380,000 acres, making a clear excess of 75 per cent?—Yes.

131. Can you give an account of the actual excess of clergy reserve at the present time over the eighth directed by the Act of 1791?—227,759 acres, not including the reserve, when the sale to the British North American Land Company is completed.

132. No actual reserves of land are now made, either for the Crown or the clergy?—No; what were called the Crown reserves have merged in the general Crown property since the system of sale was adopted, and though the clergy reserves are still laid out and separately accounted for, they are open to purchase by individuals in the same manner as waste land, the property of the Crown.

133. You mean like Crown property laid open for sale, because it is only as clergy reserve that so much more land is brought into the market?—I do.

134. Can you state why the system of actually reserving lands for the Crown and the clergy, so as to keep such lands out of the market, has been abandoned?—The crying injustice of requiring settlers to open roads over lands which might remain waste until it suited the convenience of the Crown and the clergy to settle them was the principal reason. The people in the townships generally not being disposed to take lands on lease, a difficulty of communication constantly presented itself from the manner in which the lots were distributed. In addition to which, the lots afforded a harbour to the beasts of the forest, to the great annoyance of adjoining settlers.

135. These reserves were a serious obstacle to the settlement of the country?—They were.

136. And have often been described as a public nuisance. Do you think that term applicable?—I do.

137. The system of Crown reserves having been entirely abandoned, does the new system of clergy reserves, that is, the system of laying out land for the clergy in addition to other land laid out for sale, still operate in any degree as a hindrance to the settlement of the country?—I think not, under the arrangement of its being open to purchasers.

138. But does it always happen, when such land is laid open to purchasers, that purchasers come forward to obtain it?—Not universally.

139. Generally?—As far as it applies to the old surveyed townships where grants have been made, the proprietors of those grants wishing to obtain the lots which had been reserved.

140. But little clergy reserve, therefore, now remains unsold?—But little in the townships that I have already alluded to, but considerable portions remain in other townships.

141. What proportion of clergy reserves has been actually sold?—About 310,000 out of 673,000, or rather more than three sevenths.

142. Of the amount which has thus been sold, what proportion was sold immediately after the introduction of the system of sale?—The system of selling the clergy reserves was introduced in 1829, and the amount of clergy reserve at that time was about 600,000 acres. In the first year afterwards 1,100 acres only were sold; in the second year about 9,000 acres; in the third year 11,000 acres; in the fourth year 7,000 acres; in the fifth year 37,000 acres; in the sixth year 77,000 acres; seventh year 111,000, and since then about 40,000 acres.

143. So that after nine years have elapsed, considerably more than half still remain unsold?—Yes.

144. May it not be said, therefore, that the plan of selling the clergy reserves has not obviated the objection to such a provision for the clergy, founded on the impediment to settlement?—Not altogether; but much good has been produced by the plan of selling.

145. You think, therefore, that in future the clergy reserves will not present any serious obstacle to the settlement of the country?—By no means. The very block of land to which the clergy are entitled, in respect of the sale to the British American Land Company, amounting to nearly 80,000 acres, may be so situated as to become a source of great annoyance to both the company and the public.

146. Besides which, considerably more than half of the clergy reserves existing in 1829 still remain unsold and unsettled, without roads, and operating as an impediment to communication between the settled parts of the country which adjoin them?—Yes.

147. You have already stated that the excess upon the clergy reserves, under the system which has been hitherto pursued, in addition to the seventh mentioned in the Act, amounts to

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upwards of 237,000 acres; supposing that this were united to the Crown domain, what would be the amount of clergy reserves yet remaining?—Not quite 140,000 acres.

148. And of this, how much may be sold annually under the Act authorizing the sale of the clergy reserves?—100,000.

149. In this case, then, the evils still occasioned by the existence of the clergy reserves might be removed to a considerable extent, even under the present law?—Yes, they might.

150. Has it ever occurred to you that provision might be made for the clergy, with equal advantage to that body, and without such injury to the public as you have just alluded to, by appropriating to the clergy a proportion of the receipts for all sales of Crown land, instead of reserving a proportion of land for future sale on their account?—It never has; but I think that system would be a far better one.

151. What has been the total amount produced by the sale of clergy reserves in this Province?—£.72,208 17s. 4d.

152. Of this amount, how much has been actually received?—£. 50,425 10s. 6½d.

153. To what deductions have these receipts been subject?—To 10 per cent. on interest received, and five per cent. on instalments to the out-agents by whom they were collected; and five per cent. upon the whole receipts to the late Commissioner, allowed to him by way of compensation for the trouble of management.

154. Is this latter payment still continued to the Commissioner?—No.

155. At what period did it cease?—On the 1st of October last.

156. Then this commission has not been paid upon the whole of the money actually received?—No, only upon 50,425l. 10s. 6d., the amount received up to the 1st of October, at which time the present arrangement came into force; the out-agents only receiving their commission for collecting.

157. You have said that this five per cent. was allowed to the Commissioner of Crown lands as a compensation for the trouble of management of the clergy property; was it then in addition to his salary and the ordinary fees of office?—It was; that duty forming no part of the duties imposed upon him by his commission.

158. In what manner then was he invested with the management of this property, since it was not included within the range of his duties as Commissioner of Crown lands?—By virtue of an Order in Council, made after the receipt of the Act of the Imperial Parliament, authorizing the sale of the clergy reserves.

159. What was the amount of salary and fees to which Mr. Felton was entitled as Commissioner of Crown lands?—The emoluments of his office could not be less than 600l. sterling, nor exceed 1,200l. sterling. The 600l. was to be paid out of the produce of the sales, and he was further entitled to a commission of five per cent. upon the amount sold beyond the 600l. necessary to pay his salary, such five per cent. not to amount to more than 600l.

160. Was there any similar limitation as to the amount of per centage to be received upon sales of clergy reserves?—No, there was not.

161. Then might not this mode of payment operate as an inducement to the Commissioner of Crown lands to force upon the market a greater quantity of land than that for which there was a legitimate demand?—I do not think that Mr. Felton was actuated by any such motive; but I know that his opinion was always strongly expressed on the vital importance to the well-being and advancement of the townships that the whole of the clergy reserves should be disposed of, in order to prevent the chance of their coming under the management of a clergy corporation. Having thus qualified my answer, it is very possible that such might have been the operation, and that they may have been put upon the market a year or two earlier than there was any necessity for.

162. Is it not the fact that the conduct of Mr. Felton was attributed to such a motive?—Such motives were, I believe, attributed to Mr. Felton by the agents of the clergy corporation.

163. Were the clergy reserves thus sold, in general, purchased in small quantities for the purpose of settlement, or in large blocks, by speculators, who have done nothing since to improve them?—Since the year 1838, almost entirely by speculators, who, I believe, have since allowed them to remain waste.

164. Then supposing that Mr. Felton's objection to the existence of clergy reserves was the impediment which they offered to settlement, the course which he pursued has done nothing to remedy that objection?—No; but he might fairly assume that it would, upon the principle of parties not feeling disposed to let so large a capital lay dormant after the whole instalments have been paid up.

165. And is not the land thus sold, by being transferred from a public body to private individuals, more withdrawn from public control for the furtherance of public purposes than it was previous to the sale?—Undoubtedly so.

166. The great objection to clergy reserves upon the old plan, and even upon the present plan, is that the system opposes obstacles to communication and settlement, by leaving great masses of wild land between spots that have been settled; but this objection is not confined to the clergy-reserve system?—No; the objection applies generally, and most particularly to the large free grants which have been made in exception to existing regulations. Those grants have been suffered to remain without any other roads than those which may have been cut through them at the public expense; no pains have been taken, even after such roads have been made, to afford sufficient facilities to settlers to keep them open; and the consequence has been, that after a few years the roads have in many instances become impracticable, and the object for which they were intended has been defeated. The circumstances which led to the opening of roads at the public expense, viz., the desire of settlers at a distance

a distance to have an easy communication with the large towns, produced a series of complaints, which induced the Assembly of the Province to investigate the matter, and the Government, through its representations, to adopt a measure with a view to the correction of the evil.

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167. What was that measure?—The establishment of the Court of Escheats, which took place in 1836 or 1837. This court was established to inquire into the fulfilment of the conditions attached to grants of land, and, upon inquest and finding that the conditions had not been fulfilled, to declare the land forfeited to the Crown. Some inquests were held in the district of Quebec, which, owing to the non-observance of some technical proceedings, are still in abeyance. Others took place relating to land in the district of St. Francis. The findings under these latter inquests, and the whole proceedings, were quashed on some point of form.

168. Has any wild land, private property, been escheated to the Crown under the proceedings of this court?—None, finally.

169. Does the court still exist?—I understand not.

170. How long did it exist?—About nine years.

171. And was totally inoperative?—With the exception I have mentioned, it was.

172. I mean inoperative, so far as diminishing the evil which the court was intended to remedy?—In that view, it has been quite inoperative.

173. Did the establishment of this court occasion any expense?—But little beyond the expense of the salary of the judge and clerk.

174. By whom were the proceedings of this court set aside?—By the Court of King's Bench at Sherbrooke, as related to the inquests respecting land in the district of St. Francis; and the proceedings at Quebec are suspended.

175. Was this court popular?—By no means.

176. Not with any class of persons?—With none.

177. Upon what ground was it unpopular?—It was considered unnecessary by the lawyers, who said that the existing laws of the country were sufficient, and that many of its provisions could not be legally carried into effect.

178. Could it have been unpopular with those who had so loudly complained of the nuisance which it was intended to abate?—This is a question I cannot fairly answer till I have conversed with those people on the subject. But it may be inferred that the opinions entertained by the members of the bar may have had some effect upon them likewise.

179. When this court was established, did not many persons of influence in the Province, including persons high in office, hold grants of land as to which the conditions had not been performed?—That I believe to have been the case.

180. And if the object of the Supreme Government, in establishing this court, had been accomplished, such persons must have forfeited their grants?—Yes.

181. I conclude that, excepting land which has been sold of late years, conditions of one sort or another have been attached to all grants, not excepting the grants of seigniories, to which the obligation of concession was attached?—So I understand.

182. Except by establishing the Court of Escheats, has any attempt been made by the Crown to resume land held upon conditions not fulfilled, and liable to forfeiture for non-fulfilment of the conditions?—There have been some instances of summary resumption in the case of small tracts of land held under location tickets; but no attempt of the sort has been made with respect to land held under patent.

183. Is there not at this moment a large quantity of land held in the Province under letters patent, in respect of which the conditions have not been fulfilled?—Very large tracts.

184. And which, therefore, legally speaking, the Crown is entitled to resume?—Yes.

185. What would be the objection to the resumption of these lands by the Crown?—Interfering with the rights of second and third parties, who may have purchased from the original grantees.

186. But the second and third parties could not have purchased rights which the original grantees did not possess?—True; but when the conditions have been allowed to remain unfulfilled for a period of from 20 to 40 years without any interference on the part of the Crown, equitable considerations may arise which would forbid a rigid enforcement of the legal rights of the Crown.

187. You think that, equitably speaking, there has been a tacit abandonment of the rights of the Crown?—To a certain extent; but it seems quite fair that the Crown should now adopt some mode of calling upon the parties to fulfil the original conditions within some specified time, or to forfeit the land.

188. That, I suppose, is just what would have been effected by the Court of Escheats, if it had been allowed to operate?—Such, I believe, would have been the result.

189. You stated, in answer to a former question, that the plan of selling had been strictly enforced, with the exception of private sales between the annual public sales; have the regulations as to advertisement, and the time and manner of payment, been always strictly observed?—They have, with the exception of the district of Gaspé, where the regulation of advertising the sale in the newspapers does not appear to have been attended to.

190. Has the direction as to the time and mode of payment been always strictly observed?—As respects the first payment it has, except in the district of Gaspé, where, in 1836, the agent sold 90,000 acres, taking payment in bills at 30 or 60 days' date instead of ready money, which bills were protested.

191. Have all the instalments besides the first been paid in all cases?—Not in all.

192. Are the cases many in which the subsequent instalments remain unpaid?—I do not consider the proportion of persons in arrears to be very great, but will make out an exact statement on the subject.

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193. In those cases has the land been resumed?—Not in any instance.

194. Nor assigned to the grantees?—No.

195. It remains, therefore, neither the property of the Crown, nor the property of the grantees; not appropriated, nor open to appropriation; in a wild state; tabooed, as it were, against settlement?—It remains so far the property of the Crown, that it may proceed by ejectment against the purchaser, leaving to him to prove the sale. Its remaining wild will depend, in a great measure, on the extent of the purchase made; large purchasers generally have not been much in arrear.

196. Has any proceeding of ejectment been commenced?—Not any.

197. Or attempted?—No.

198. Or contemplated?—I caused a list of all persons in arrear to be published about 18 months since, with a view of soliciting the permission of the Governor to proceed against those who might be greatly in arrear; but the state of the country since has been such as to prevent my following it up.

199. You have said already that the auction is little more than a form, the upset price being, in almost all cases, the selling price; is the auction, as a form, in any way inconvenient?—No.

200. Suppose a person just arrived from England with his family, and desirous to purchase a tract of land for immediate settlement, would not the auction compel him to wait a considerable time before he could obtain the land?—In case such a person applied for a special sale, and his application was favourably entertained by the Governor, he would only have to wait two months for the advertisement of the sale.

201. And if his application were not favourably entertained by the Governor, he would have to wait until the next annual sale, unless he chose to purchase land which had been already put up for sale, but not sold, at a previous auction?—Yes.

202. And the possibility of his being over-bid, either at the special sale or at the annual sale, would leave him all the while in a state of uncertainty as to whether he should finally obtain the land selected by him?—Certainly.

203. It appears, therefore, that if there were a brisk demand for Crown land, the plan of auction would occasion considerable inconvenience?—It would occasion inconvenience, certainly; but it must necessarily be replaced in the out-agencies by some system of publicity, to prevent acts of favouritism. I know of no other advantage in selling by auction at an upset price rather than at a fixed price, except the publicity which it secures.

204. Then, provided the publicity were the same, you think that a fixed price would be preferable to auction at an upset price?—I do.

205. In what way is the Crown property in timber disposed of?—The practice is annually to obtain an authority from the Governor to offer for sale licences to cut timber upon waste lands, the property of the Crown, for the ensuing year at an upset price.

206. Under what authority are these sales made?—Under the Treasury instructions of November 1826.

207. By whom is the upset price determined?—It was originally by the Treasury in England, subject to alteration at the discretion of the Governor. Last year an advance of 25 per cent. was made by the Governor in respect of saw-logs.

208. What are the terms upon which licences are granted?—One-fourth part of the purchase-money is to be paid at the time of sale, and the parties enter into a bond for the payment of the remainder on the 1st of October in the following year.

209. In what manner is the sale conducted?—In the public notice of sale, parties desirous of purchasing are directed to state the district and the quantity for which they wish to obtain a licence. These statements or tenders are published, and, if there is no advance, the licence issues for the party applying for it.

210. Do cases often happen in which an advance is made upon the upset price?—There has been but one case that I am aware of in which any advance has been offered, and in that case, the party not being prepared to pay the first instalment, no sale was made.

211. Then the auction is really nominal?—Yes; the only advantage attending it being, that the publicity given to the sale affords an opportunity to all the lumber merchants to know the timber berths that each has selected.

212. Have the Treasury instructions been uniformly pursued in regard to these licences?—No. During the administration of Sir James Kempt some of the lumber merchants represented that the rivers down which they wished to float timber were so obstructed as to require a considerable expense in making slides and improving the navigation, and requesting a grant of money for that purpose. This request was refused, but the Governor promised the exclusive right of cutting timber for seven years upon any such river to any person who would undertake to open it, upon payment for the timber cut at the rate fixed by the Treasury instructions. Under this promise exclusive rights have been acquired by Mr. Hamilton on the River Rouge, Mr. Price on the River Du Sud, Messrs. Knight and others on the Gati-neau, and by the Hudson's Bay Company within the King's Posts.

213. What security have you that a larger amount of timber than that for which the licence is obtained should not be cut under the authority of the licence?—Upon the Ottawa there is a tolerably effectual check, under an arrangement between the Executive Governments of this Province and Upper Canada. In Gaspé the agent visits the berths personally, and, by comparing the quantity shipped at the Custom-house with what he has observed, perfects his checks. In the other parts of the Province, where saw-logs are principally cut, the returns of the merchants have been generally accepted as sufficient; the character of these gentlemen is considered as a sufficient guarantee. Upon the whole, the checks are imperfect, but

but I believe that the real cause of their imperfection has been the uncertainty of the continuance of the present system of timber duties in England.

214. According to the price required for timber licences under the Treasury instructions, may it not be cheaper to purchase land for the sake of the timber merely, than to pay for a licence?—It may be so; and an instance came to my knowledge of an attempt of the kind in the newly surveyed township of Wakefield, which I however defeated, by directing the agent not to accept bids, except from persons that he believed to be intended settlers.

215. Have you then the power of rejecting an offer to purchase land made at a public auction?—Under the conditions of sale, publicly read by the agent, no sale is valid until confirmed by the Commissioner of Crown Lands.

216. Do you imagine that any land has been purchased with this intention?—I could not say in that no land has been purchased with this view; but as no sales have been made except in surveyed townships, I cannot bring myself to believe that they have been made to any great extent.

217. Have you not reason to suppose that the large purchase of 80,000 acres, to which you have referred, in Gaspé, was made with that view?—It was avowedly so; I was myself informed so by the purchasers.

218. What was the price per acre at which this land was sold?—Varying from 1s. 8d. to 4s. per acre.

219. Is there much land, the property of the Crown, upon which people have settled unlawfully, or, as it is commonly called, squatted?—There are squatters upon the Crown property to some extent, but not in sufficient numbers to occasion any great difficulty in arranging with them; for, from what I can understand on the subject, they all expect to pay for their land, but to have the benefit of pre-emption.

220. What do you imagine are the grounds upon which they have formed this expectation?—Not, certainly, from anything that has ever been held out to them; but there is a general feeling amongst people of that class that, when they have reclaimed wild land, they are entitled in equity to that degree of consideration on the part of the Government.

221. They have then no other grounds for the expectation than their own opinion that it would be but equitable in the Government to depart from the present regulations in their favour?—None, most certainly, that I am aware of.

222. You spoke just now of arranging with them without any great difficulty; to what sort of an arrangement do you allude to?—That they would willingly conform to any terms of purchase that the Government might propose.

223. Has an arrangement been made with any of them?—I should rather think that some of them must have come in among persons who have been considered as tenants and occupiers of lots, and who have been allowed by the Governor to purchase without being exposed to the competition and publicity of an auction.

224. Has that been a common practice?—It is a matter of right in the former class, under the Treasury instructions of February 1826.

225. But directly contrary to Lord Goderich's instructions of 1831, which require that no land should be disposed of except at public auction?—The reading given to those instructions here has been as applying only to waste and unoccupied lands.

226. But, whether or not contrary to Lord Goderich's instructions, this mode of disposing of Crown land is another method exceptional from the general rule of public sale by auction, in addition to the numerous exceptions which you have already mentioned?—It is; and I should have enumerated it amongst the others, had it not formed part of what have here been considered the existing regulations.

227. Returning to the squatters, are the cases many in which the Crown has forced such persons to purchase the lands occupied by them?—In no instance, that I am aware of, has the Crown forced them.

228. Has the Crown ever attempted to eject any of them?—I believe not.

229. You said that many of the squatters might have been considered as tenants and occupiers, and might have purchased their land in that character, without being subject to auction; but if they are considered tenants and occupiers under the Crown, how could they be considered as squatters, when the essential characteristic of a squatter is, that he occupies with out a title?—My answer must be understood as not applying to tenants; but that I find in the lists, approved by the Governor, of persons allowed to purchase without being subject to auction, the term occupier as well as that of tenant; and I therefore suppose, but without any positive knowledge on the subject, that it may have been used to cover cases of squatters who had really improved their farms to a considerable extent.

230. But if so, it must have been directly in breach of the Treasury instructions of 1826, and Lord Goderich's instructions of 1831?—I give the practice as it has obtained.

231. Do you imagine that any large proportion of persons, occupying without any title at all, have been treated as though they were occupying under a perfectly legal title?—My impression is, certainly not.

232. What sort of an arrangement would you propose to come to with squatters upon Crown lands?—By allowing them to purchase at a fixed rate; but I allude only to those who have really improved their land, and may be considered as *bona fide* settlers.

233. But if they should be disposed to hold their lands as at present, without payment rather than to pay for them, what course would you propose to adopt?—I should proceed against them by ejectment.

234. Would the process of ejectment against settlers on Crown lands be easy of execution?—I see no difficulty in it.

235. Are the Crown lands upon which squatters have established themselves well ascertained?

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tained under the surveys of the Crown Lands' Department?—To say that they are would be to admit that the surveys of townships could in every instance be depended upon. As far as my experience goes, the contrary is unfortunately the case.

236. Would there be, generally speaking, much difficulty in proving, to the satisfaction of a court, what was Crown land upon which squatters had established themselves?—I should apprehend no difficulty there, because the burthen of the proof would lay with the squatters, unless the validity of the surveys produced could be called in question.

237. Generally speaking, do you suppose the surveys to be correct?—I apprehend that they are not.

238. But the alleged squatter's proof must necessarily, must it not, be drawn from the surveys?—I should imagine so.

239. Could he have any other means of identifying the land claimed by him?—I presume not; but I must qualify my answer by saying that the question borders on points of law upon which I am not competent to offer an opinion.

240. Supposing that the *onus probandi* as to title rested with the Crown, how would the Crown show that the land in question had not been granted?—By a technical description of the lot or tract taken from the survey as made.

241. That is, supposing the surveys to be accurate; are they, do you believe, inaccurate to any great extent?—I can instance two townships, Shefford and Orford, (and how many more may prove inaccurate, as questions of boundary arise, it is impossible to say) which are very inaccurate in their subdivision.

242. Inaccurate in what respect, and to what extent?—On actual recent survey it has been found that no one lot agrees with the diagram on record.

243. Was the diagram made from actual survey?—It purports to be made from actual survey.

244. By whom was the recent survey made?—That of Shefford by Mr. Wells, and that of Orford by Mr. Wyse, both of them deputy provincial surveyors, and considered persons who stand high in their profession.

245. To what extent do the lots differ from the diagram on record?—The lines dividing the lots, instead of running perpendicularly according to the diagram, actually run diagonally. The effect of which is necessarily to displace the whole of the lots, upwards of 300 in number, from their true position. The lines dividing the ranges are so irregular as to give to some lots two-and-a-half times the contents of others, though they are all laid down in the diagram as of equal extent. There are lakes also, which occupy nearly the whole of some lots, that are entirely omitted.

246. From which it would appear that the diagram was prepared without any actual survey at all?—I have heard it repeatedly stated, and it was generally believed, that, in many instances during the early surveys, if the surveyor did run the outlines of the township he was commissioned to survey, it was as much as was ever done, and the whole of the field-notes and subdivision was mere fiction.

247. You have spoken of Shefford and Orford; are there any other townships as to which means of comparison exist between the diagram existing in your department and the actual subdivision of the township?—I have not seen any, but have heard complaints of a similar nature respecting the township of Grenville, but they have not come before me in an official shape.

248. What reason have you for supposing that the surveys of other townships may have been more accurate than those of Shefford and Orford?—I have no reason for believing that they are, other than that, in some parts of the country, the same causes of error may not have existed, whether physical causes, such as that of magnetic attraction, where there really was a survey, or, in cases where there was no actual survey, the negligence of the surveyor.

249. Are the old French surveys of the seignories considered to be accurate?—I have never heard them complained of, and I believe that their accuracy is undoubted.

250. The inaccuracy, therefore, of which you have spoken, is confined to that part of the Province which has been divided into townships. About what extent of country is comprised in that description?—There are 109 townships, of about 100 square miles each.

251. Including all the land which has been disposed of by the British Government, except the seignories which were erected by that Government shortly after the conquest?—Yes.

252. It appears that similar difficulties to those which might arise in settling a question of title between the Crown and an alleged squatter, arising from the inaccuracy of the township surveys, would extend to all grants and sales by the Crown?—They would.

253. And also to all questions of title between persons claiming to have a grant, or to have purchased from the Crown, and alleged squatters upon the land asserted to be theirs?—Undoubtedly.

254. And also to all cases in which different persons should claim to have received or purchased the same piece of land from the Crown?—Yes, more or less.

255. Is it not considered that this state of the Crown surveys must prove a source of interminable litigation hereafter?—It is a general observation.

256. Considering the state of the surveying department, may it not have happened that the same land has been granted or sold to more than one person?—The granting the same land to more than one person is an error in which the Surveyor-general has his full part; but other officers of the land-granting department, under the system which obtained till last October, and whose business it was to audit the patents, for the purpose of preventing such occurrences, are equally to blame.

257. You are alluding now to double grants, wherein the error is plain upon the face of the patents; that is, where the same lot *nominatim* has been granted to different persons?—I am.

258. But

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259. But I alluded to double grants of the same land, under different designations, arising from the defective state of the surveys?—How many of these cases may arise it is impossible to say.

260. Have any such cases been discovered?—None have come before me in an official shape; but I apprehend that questions of that nature are waiting, in great numbers, until land shall have become more valuable, when the Crown will be called in upon every occasion to defend its own grant.

260. And, considering the state of the surveys, will be without the means of such defence?—Unless measures to prevent the evil should be adopted before its occurrence.

261. You appear to consider this as a subject of very high importance, and demanding the immediate attention of Government?—I do, in common with any person who has ever reflected on the subject.

262. In the neighbourhood of granted lands, or lands purporting to be granted, your department must, I suppose, often be at a loss to know what land has been granted, and what remains the property of the Crown?—Since we have been satisfied of the probable inaccuracy of the surveys, and of the little reliance to be placed upon the diagrams, an unpleasant feeling of responsibility has arisen upon this subject.

263. That is, a feeling of fear lest you should dispose of land already disposed of?—Precisely so.

264. And, on the other hand, it may also be feared, I conclude, that the Crown should leave in the hands of private persons land which really belongs to the public?—The one is just as liable to take place as the other.

265. It appears, by a return from your department, that in 1833 and 1834 the remission of purchase-money, or, as you have described it, virtual free grant, under the form of remitting the purchase-money, was not confined to officers of the army and navy, but that the purchase-money was remitted to others under an authority from the Governor or Secretary of State?—There were two such remissions; the one to Mr. Christie, chairman of the quarter sessions at Quebec, and the other to Mr. Coffin, chairman of the quarter sessions at Three Rivers, in lieu of arrears of salary due to them, and for which the Provincial Legislature had refused to provide.

266. Are the British North American Land Company supposed to have selected the most valuable lands open to appropriation in what is commonly called the Eastern Township's District?—Yes.

267. Including Crown reserves in the settled townships?—Yes.

268. And the price that they paid was less than the then upset price anywhere in that district?—Yes, with the exception of four townships, in which the upset price appears to have been 4s. currency per acre, while the price paid by the British American Land Company for their surveyed lands was, I understand, 3s. 6d. sterling.

269. How much less?—In three of the remaining townships the upset price appears to have been 7s. 6d. per acre, and in the 16 other 5s.

270. They also had a longer credit than was given to any other purchasers?—Yes.

271. Was it considered at the time that they had agreed to pay more or less than the price which they would have had to pay if the land had been submitted to public auction according to the existing regulations?—I myself considered that they had agreed to pay less than that price, and I believe such was the general opinion.

272. This property has naturally deteriorated in value, in consequence of the recent rebellion in the Province?—I do not think so, at least not permanently.

273. Is there not a proposal now before your department, from a company formed in this Province, and comprising gentlemen of wealth and the highest respectability, whereby the Government is requested to sell 225,000 acres of land in the county of Megantic, adjoining to the tract of the British North American Land Company, but not of a superior soil, or in a superior position, and not comprising any Crown reserves, at the same price, and upon the same terms in all respects as those which formed the conditions of the grant to the British North American Land Company?—I am aware that a petition of the nature to which you allude, and signed as you stated, by persons of high respectability and standing, and for the tract in question, has been presented to his Excellency the Governor-general; but it has not been formally transmitted to the Land Department.

James Hastings Kerr, Esq.

J. Hastings Kerr,  
Esq.

274. It is understood that you have had considerable opportunities of becoming acquainted with the state of landed property in this Province?—I have, particularly with regard to township land.

275. Be so good as to state in what way you have obtained that information?—As an agent, employed by many persons interested in the lands of the Province.

276. During how many years have you had these opportunities?—During the last eight years.

277. You may naturally have had occasion to reflect upon the different methods which have been pursued by the Crown in this Colony for the disposal of the public lands; to compare them with each other, and to form some opinion as to their general operation, whether beneficial or otherwise?—I have; I consider none of the plans that have been adopted by the Crown as likely to lead to an extensive settlement of the Crown lands.

278. Be so good as to state your view of the operation of the system of leaders and associates?—I can only state it to have been a disgraceful system, or rather practice. The associates were, generally, persons residing in the United States, and frequently the leaders resided there

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there also. The object with which the system of disposing of Crown lands, under which this practice arose, was devised, appears by the following passage in the original instructions framed for the grants of land in the Province, section 51, which states that "great inconveniences have heretofore arisen in many parts of the colonies in America from the granting excessive quantities of land to particular persons who have never cultivated them, and have thereby prevented others, more industrious, from improving such lands." The object, therefore, was the settlement of the country, by means of putting a stop to grants of land to persons who would not improve it. The effect, however, has been, that the leader, in almost every case, became possessed of nearly the whole of the entire quarter, or half, or whole township granted to him and his associates, and the land thus obtained has been in most instances, excepting in a few of the frontier townships, some of which contain a large population, withheld from settlement up to the present time, unless squatted upon.

279. Have these grants ever since presented a serious impediment to the settlement of the country?—Yes, very serious.

280. And do so still?—Yes; for many of the large holders refuse to sell at reasonable rates, trusting to the value of their lands being increased by the settlements going on around. In some cases a tract of wild land may lay between a back settlement and a road, as in the townships of Lingwick, Halifax, Simpson, Wendover, and many others. In these cases the inhabitants are entirely cut off from the road, and cannot even make a road for themselves without being liable to an action for trespass; besides which, the expense of making such a road would of itself suffice to deter them. In addition to this, these wastes serve as a harbour for wolves, which, a short time since, so infested the various districts of the Province, that an Act of the Legislature passed giving a bounty upon the killing of a wolf. Similar inconveniences have arisen from the system of Crown and clergy reserves which accompanied that of township leaders and associates. The evil resulting from the Crown and clergy reserves has been removed by the alteration of the system, by which Crown and clergy reserves have been made open to sale. The inconvenience arising from the excessive grants still remains.

281. Does the word inconvenience sufficiently express the nature of the evil?—No; and I hardly know what word to use that would be strong enough to express it. About 1809 or 1810, the system of leaders and associates was discontinued, and for some time afterwards there appears to have been scarcely any land granted. In about 1816, the system of granting upon location tickets was introduced. Under this system, the settler was required to perform settlement duties before he could obtain a title to his land; but these duties, in the manner in which they were performed, rather deteriorated than improved the condition of the land. The settler cut down and burnt his four acres and built his hut, and then obtained his title and abandoned the land.

282. Did the system of location tickets add much to the quantity of land alienated by the Crown, and yet not settled?—It did; but at the same time, much settlement actually took place, on the Ottawa and in the eastern townships, under this system. The location system was followed by a system of sale, as directed by the Treasury instructions of 1826. This system induced many of the squatters to purchase a title to the lands they occupied, but few actual settlers purchased land with a view to settlement. The chief purchases have been made by persons of property, with a view to speculation, under the impression that it would pay very good interest for the money invested at some future day.

283. In this way therefore the extent of private property still in a wild state has been considerably augmented?—Yes.

284. You are aware that, concurrently with the plan of selling, free grants to a great extent were also made?—No; excepting under pledges made by the Government before the system of sale was introduced.

285. But the fact has been that free grants were made at the same time that the system of sale was pursued?—Yes, it has so been.

286. Do you think that the plan of selling would have been more effectual if the Government had been able to stop all free grants from the period of its introduction?—More land might have been sold, but probably only to speculators.

287. The price then appears to have been too low to deter speculators from purchasing with no view to actual settlement?—Yes, it was so in many of the townships.

288. The upset price was fixed by the Government, on the recommendation of the Commissioner of Crown lands, and differed in different townships; do you think that the upset price was suitable to the particular circumstances of each township?—No; in some cases the price was too high, and in others too low.

289. Too high or too low in reference to what?—To locality, the neighbourhood of settlement, and the quality of the land. On the Ottawa, particularly, too high in reference to the means of the settlers.

290. Do you consider the system at present in force for the disposal of Crown lands to be efficient with a view to the settlement and improvement of the Province, or are there any points in which you consider the system defective?—I do not consider the system efficient, but defective in the following points: In the first place, there is not sufficient liberty of selection. Under the present system, that land only is obtainable by individuals generally which has been selected for the annual sales. It is the Government, in fact, which determines what land shall be open for purchase.

291. What branch of the Government?—The Governor.

292. But from his own knowledge or that of other persons?—Upon the recommendation of the Commissioner of Crown lands.

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293. So that, in point of fact, it is the Commissioner of Crown lands who determines what land shall be open for appropriation?—Yes.

294. Does he decide upon local knowledge?—I should say not; I do not know what local knowledge a man can have who has not visited the sections of the country where the lands are put up.

295. Then upon what grounds do you imagine his decision to be formed?—I cannot tell you. In some instances, perhaps, upon application from individuals; in others merely from the dictate of his own will.

296. But upon special application, individuals may acquire land which has not been included in any annual sale?—They may, occasionally; but such applications must be referred to the Governor, who has hitherto decided upon them according to the recommendation of the Commissioner of Crown lands, who might not have approved of the application. Such applications may have succeeded, but they may not, and there is no certainty.

297. Are you at all aware of the grounds upon which such applications are decided?—No; it is but very seldom that any reason is assigned; but the general answer in case of refusal is, that "His Excellency does not consider it expedient to comply with the request." Much depends upon the perseverance of the agent. I have, in many instances, not been content with the first refusal, particularly as to free grants, and have in many of those cases procured a reversal of the first decision.

298. Was your importunity addressed to the Governor, or to the Commissioner of Crown lands?—To the Governor himself, but my remonstrances were always sent to the Commissioner to report upon.

299. You are speaking now of the practice which prevailed up to August 1836. Since then the facilities have been greater?—Much greater.

300. To what do you attribute such increased facility?—In part to the power being in the hands of a board, instead of a single individual, and in part to the greater accessibility of the Commissioner of Crown lands.

301. All power seems, however, to be really in the discretion of the Commissioner of Crown lands?—Hitherto, entirely so.

302. The power of the Commissioner seems not to have been confined to the subject now in question, but to have extended over every part of the system for the disposal of lands?—It has so, especially in the time of the late Commissioner, whose decisions in almost every case were confirmed by the Government.

303. I suppose that, in fact, the late Commissioner had the power of withholding or granting just what land he pleased?—He certainly had.

304. How did his exercise of that power affect the disposal of Crown lands?—In many instances to the prejudice of individuals, and in very many to the obstruction of the settlement of the country.

305. The same power seems to exist now; in what respect is it differently exercised?—With greater discretion; and the decisions appear to be less arbitrary, that is, more reasonable; and more attention seems to be paid to the public interests.

306. Are these all the defects that you have to notice?—No; there is considerable uncertainty on the part of the intending settler, as to his obtaining the land which he has selected. It is occasioned by the plan of selling by auction. The person desirous to obtain land included in any annual sale may, after waiting for the sale, find himself overbid, and may thus not obtain the land upon which he had fixed. And again, in the case of an unsurveyed tract, after incurring the expense of the survey, he may be overbid by some other person who has not incurred any portion of that expense. It is true that in such cases the expense of the survey would be refunded to him, but the trouble and anxiety he has incurred will be of no avail.

307. Does this operate practically as a check to applications for land?—It must do so; since it introduces an uncertainty as to whether an individual who has incurred trouble and expense will reap the reward. I may mention as an instance, that in the township of Gosford, in which several ranges were surveyed and laid off upon special application from individuals, and at their expense, I attended the sale, in May 1837, in company with another gentleman. The upset price was 1s. 3d. per acre, and we, seeing that the land was likely to be sold for a low price, bid for 9,000 acres, at the average price of 2s. 3d. per acre, at which price it was knocked down to us. Other persons, not being of the special applicants, bought some of the land at prices varying from 1s. 6d. to 5s. per acre, and the special applicants did not obtain more than about one-tenth, I should think, of the land comprised in their application. This case strongly illustrates the inconvenience to which I have referred, and one case of this sort would operate, to a very great extent, to deter individuals from making similar applications. The expense of the survey was repaid to these special applicants, but not immediately. I have also to mention the delays occasioned by the system of auction. In order that auction should have any effect at all, there must be a notice, which necessarily requires time. In the case of special applications for unsurveyed land, or for land not included in the annual sales, the applicant must wait, after his application has been accepted to, and after the survey has been made, till the auction takes place, of which notice is required of from a fortnight to six weeks. In the case of lands included in the annual sales, the applicant must wait either for the annual sale, or for the monthly sales for the lands which have not been disposed of at the annual sales. In the case of land which has not been put up for sale, but which is intended to be included in the next annual sale, the intending purchaser must wait till the next annual sale, which may be for any portion of a year.

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308. Is all land which has not been disposed of at the annual sale put up at the next monthly sale?—No, that is not the case; for upon one occasion I wished to obtain some land which had been put up for sale, but not sold, at an annual sale, but had to wait several months till an auction took place.

309. But the general practice is to put up for sale, at a monthly auction, the land which has not been sold at the yearly auction?—Yes, in some townships; but in others there is no agent, and no monthly sales take place.

310. In these other townships, therefore, the persons desirous of obtaining land included in annual sales must wait for the next annual sale?—Yes, in the ordinary course; but upon special application, the agent nearest to the spot might perhaps be appointed agent for that township, and he might then put up the land to auction on the day fixed for monthly sales within his agency.

311. That is the day fixed for monthly sales, in case it was the practice to sell monthly in that township?—Yes.

312. Have you anything further to say on this head?—No; but I will now refer to the inconvenience of references to the Executive Council, upon applications for free grants founded upon old claims which had not been pursued at the time of arising.

313. What is that inconvenience?—Such references, in many cases, remain unreported upon and neglected for months.

314. In such cases then the power does not rest with the Commissioner of Crown lands?—No, but with the Governor in Council.

315. Are there any means of knowing, in such cases, upon what grounds the decision upon any such reference is made?—In some cases there may be. The proceedings before the Council are secret, but a report is made upon each case; and such reports occasionally, though but seldom, state the grounds upon which any application is refused. I once endeavoured to obtain a statement of the grounds upon which a refusal took place, but without success.

316. Are the reasons ever given when the Council reports in favour of an application for a free grant?—Yes, in some instances, but not generally.

317. Are applications for free grants necessarily decided by the Executive Council?—No; they were not so in the time of the late Commissioner. Some few instances of reference took place, but he generally recommended to the Governor either compliance or refusal upon his own responsibility. There may have been, but I am not aware of any instance in which his recommendation was not followed, and very rarely would he give any reason for his refusal.

318. At present such applications are generally referred to the Council; is the rule with respect to such applications the same as it was then?—I do not know how it can be said that any rule ever prevailed. It was, and is, in the discretion of the Commissioner of Crown lands to cause such reference.

319. The Commissioner can then still recommend to the Governor without the intervention of the Executive Council?—Yes, he can.

320. I conclude that when the Commissioner did not refer to the Council, he was considered responsible for the decision?—Yes, he was.

321. And that now the Council are held responsible for such decisions?—Yes, upon such cases as the Commissioner refers to them.

322. Can you give the Board any information as to the state of the surveys?—It is generally understood that the surveys in many of the various townships are very inaccurate, and many of the surveys have been proved to be so. I had in my hand the other day a patent for four lots in the township of Inverness, three of which did not exist, granted to a Captain Skinner; three of the lots were decided not to be in existence, and I received compensation for them in another township. A great error was discovered in the original survey of the township of Leeds.

323. I suppose that the inaccuracy of the surveys is a matter of certainty?—Quite a matter of certainty. I could cite you a number of townships, Milton, Upton, Orford, Shefford, &c., where the inaccuracy has been ascertained.

324. Were the old French surveys accurate?—They might easily have been so, from the nature of the system, which required only the front and depth to be ascertained, without any subdivision of the seignories. The subdivision for concession was the subsequent act of the seigneur.

325. Has inconvenience to any amount been practically felt from the inaccuracy of the British surveys?—Inconvenience has been felt, but it is only now beginning to be so seriously. As the settlement of the country advances, and land acquires a greater value, great inconvenience must arise, in the shape of endless questions of title; and of this many people are so well aware, that they refuse to sell with a guarantee of title.

326. Your profession as an agent includes the business of obtaining titles to the lands, as well as advising upon their selection?—It does.

327. By what course of proceeding is a title obtained, after a purchase has been made at the Government sales?—It is not often that the purchase-money is paid down. The purchaser is put in possession, by what is called a ticket of occupation, as soon as he has paid his first instalment, and no further proceeding can take place until he has paid the last instalment. As soon as he has done this, he is referred by the Crown-land officer to whom the payment is made, for patent, to the surveyor-general for the necessary specification; then the specification with the reference is sent to the Commissioner of Crown lands. These documents are next sent to the secretary of the Governor or civil secretary, who directs the provincial secretary to engross the patent; the fees are then levied, and upon the payment of fees the provincial secretary engrosses. On engrossment being made, the Governor signs the patent, and the great seal of the Province is attached to it (this signature is procured by the pro-

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vincial secretary). The patent is then sent to the Commissioner of Crown lands to be audited. At present, one of the Commissioners audits; this used to be done by the auditor, but the office of auditor has been abolished. When the audit is made, the title is said to be perfected; but unless the patent is audited within six months after the signature, the patent is void, notwithstanding the Governor's signature and the seal of the Province.

328. How long has this system prevailed?—About 12 months. Before that time, the first step was a reference from the Crown Lands Office to the Attorney-general and Surveyor-general, to prepare draft of patent and specification. When the Surveyor-general had prepared the specification, he returned the reference to the Crown Lands Office; the Crown Lands Office then referred it to the Attorney-general to prepare draft of letters patent; the Attorney-general sent the draft to the civil secretary; the civil secretary sent it to the auditor for examination; when the auditor returned it, the civil secretary sent it to the provincial secretary for engrossment; the provincial secretary engrossed it on parchment, procured the Governor's signature, and attached the great seal of the Province, and then sent it to the auditor for audit, who, after audit, returned it to the provincial secretary, with whom it remains of record.

329. The old system does not appear to have been much more complicated than the present?—It does not; the difference is not great.

330. What has been the effect of having to refer to so many persons?—The total loss of many references, and the papers connected with them, in one or other of the offices. There have been cases in which I was referred three times for the same patent, all the papers having been lost twice successively. In some cases the papers are found again; but at too late a period to be available.

331. Were such losses of frequent occurrence?—Yes. In my own experience of eight years as agent for obtaining titles, many instances have occurred.

332. Did the principal inconvenience consist in such losses of papers?—No; there was also delay, arising from the system.

333. What is the shortest time in which you have known a title to be perfected?—Speaking from memory, I should say about six weeks.

334. And the longest time?—I think eight years; but I am again speaking from memory.

335. Was more than ordinary diligence used in the case of six weeks?—Yes. In such cases I obtained an order from the Governor for a special reference for my patent, to take priority of all others then in the office.

336. Was ordinary diligence used on the part of the agent in the case of eight years?—More than ordinary; for it was one of my own cases, in which I used every possible exertion to get the patent through. The delay was occasioned by the neglect to set apart a tract of country for clergy appropriations in the district of Gaspé. I have now references for that section of country, which have been lying over for six years from that cause. A tract has recently been set apart in Gaspé for such appropriation; and I hope that my references may now be proceeded with.

337. What would you assign as the average period required for completing a title, after the purchase has been completed by the payment of the whole of the purchase-money?—I should say full 15 months.

338. And with ordinary diligence on the part of the agent?—Undoubtedly.

339. What advantages is the system of so many checks supposed to present?—I see none myself, and think that a more simple process might be adopted; very serious inconvenience is produced, and I know of no countervailing advantage.

340. The present system must be profitable to agents?—Yes; so much so, that, speaking as an agent, I should be sorry to see it abolished.

341. I presume that one of the inconveniences to the public is the necessity of employing agents acquainted with the labyrinth through which each reference has to pass?—It is. I am satisfied that the present system is a serious impediment to the settlement of the country, and that no extensive measure for that purpose can work well, unless the mode of obtaining titles, after purchase, be rendered much more simple. Immediate despatch with title is what is required to encourage purchasers, and prevent uncertainty and discontent. I have been directed by purchasers to apply for the return of their purchase-money from the Crown, because of the delay which has occurred.

342. Supposing the mode of obtaining a title to be rendered as simple as possible, would any serious obstacle, in your opinion, remain to the speedy settlement and cultivation of all the more fertile parts of the Province?—Yes; the want of main roads through many parts of the Province, as well as concession or cross roads between main roads, would naturally deter people from settling in the wilderness.

343. Do you speak now of wilderness belonging to the Crown, or of wilderness the property of private individuals?—Of both. There remains, in several townships which are partially settled, a considerable quantity of clergy reserve land, and of land ungranted by the Crown. The main obstacle, however, is private land remaining wild, inasmuch as the land of the Crown is open to purchase, which is not generally the case with that of private individuals, excepting at too exorbitant a price. So injurious is the existence of this quantity of wild land in the midst or in the neighbourhood of settlement, that numerous cases have occurred in which a settler, after several years' residence upon his property, and having expended, in money and labour, from 20 l. to 50 l. in clearing part of it and building his house, has been driven to abandon the farm, and to sell it for one-third, or even one-fourth, of the sum that he had expended upon it. I have myself bought farms which have been abandoned in this way for the merest trifle. One, I recollect now, consisted of 100 acres, in the township of Kingsley, a beautiful part of the district of Three Rivers, with rather more than 20 acres cleared,



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cleared, a good house and outhouses erected upon it, for which I paid under \$64. I could give very many instances of a similar kind, where I have either purchased myself, or have had a personal knowledge of the circumstances.

344. Has any remedy been suggested to your mind for the evil of wild land in the midst of settlement?—I have always been an advocate for taxing the wild land, and have thought that, unless a tax were imposed, the settlement of the country never could go on prosperously.

345. It would be a tax in the nature of a fine, with a view to the abatement of the nuisance?—Yes, that should be its true character.

346. Would not such a tax be extremely unpopular among the holders of wild land?—I think that at first it might, though not universally so, since many holders of wild land perceive the advantages that would result therefrom; but after the working of such a tax had been experienced, I am of opinion it would become popular. I am also of opinion that, if the Crown should determine a uniform price for the remaining public lands, it would be expedient, in the event of the nonpayment of the tax within some fixed period, say by the end of the second year, that the Crown should resume the land, paying to the grantees half the uniform price then established for Crown lands.

347. Do you also suppose that the proceeds of the tax would be employed in adding to the value of land, either by promoting emigration, or by improving the country?—Yes; if we do not get settlers, the large proprietors would complain, saying that it was out of their power to settle their lands; and I may add, that, as some might prefer paying the tax to settling the land, I would compel all proprietors of wild lands to sell to actual settlers at the then price of Crown lands. Such a plan would, however, require very considerable care in its details.

348. What do you think of the plan adopted in Upper Canada of selling the wild land in order to recover the amount of the unpaid tax upon it?—I think the practice a most unjust one to individuals, and injurious to the public; I have known land almost given away under that system. Two years ago I employed a person to attend a sale of land brought to market, in Upper Canada, for nonpayment of the wild-land tax, at which I purchased nearly 3,000 acres at the rate of 8d. an acre. Much collusion, I have been told and believe, takes place at these sales between the buyers, who conspire to prevent biddings; the sale, in short, is forced, whether there be competition or not, and the land, as I said before, is commonly almost given away. Besides the hardship upon the owner in having so much more land than is necessary sold to cover the tax, this system interferes with the general sale of Crown property, by bringing land into the market at a lower price than that required by the Crown.

349. Have you had an opportunity of acquiring information as to the disposal of timber in this Province by the Crown?—I have.

350. Does the system appear to you to be a good one?—It does not. It does not yield that revenue to the Crown which it ought, in fairness, to do, and which, I believe, might, without injury to the dealer in timber, be easily derived from it. The practice within these three years has been for the Crown to dispose of licences to cut timber at public sale by tender and overbid. The upset prices upon timber are determined by the Governor, upon the recommendation of the Commissioner of Crown lands, and were, until last year, as follows:

White pine square timber,  $\frac{1}{2}$ d. per foot.  
Red - ditto - ditto - 1d. - ditto.  
White pine logs of 12 feet, for deals, 4d. each.  
Spruce - - ditto - - ditto - 2d. d.  
Red pine logs, 7  $\frac{1}{2}$ d. each.

At the sales in the last year the price of white pine logs was increased to 8d., and spruce to 2  $\frac{1}{2}$ d. This price even now is much less than the Government might fairly ask, not only in proportion to the selling price of that timber in England, but also to its value in the Northern Continent of America. At a very early period, it is certain that there must be a great demand in the United States for Canadian pine and spruce timber.

351. But the prices you have named are only the upset prices for the tender?—I know of no case where an overbid was made upon the tender, except in one instance, and that was by mistake.

352. Then, in point of fact, there is no competition at the sale?—None. There is understanding amongst the buyers that none of them shall bid more than the upset price.

353. So that in reality the prices called upset are fixed prices?—They are.

354. And are, in your opinion, too low, having reference to the value of timber in the markets of Canada, Britain, and the United States?—Decidedly so.

355. You believe that there will soon occur in the United States a great demand for Canada timber; upon what grounds do you form that opinion?—I visited the United States in the beginning of 1836, for the express purpose of ascertaining, at the ports of New York and Boston, what encouragement there might be for the importation of manufactured Canada timber, and also with a view to ascertain what supply of pine and spruce timber might yet remain in the United States. With the exception of the States of Maine, to the north, on our own border, and of Georgia, to the south, at a great distance from us, which latter produces an article of very inferior quality, I became satisfied, from very careful inquiry, that very little timber of that sort remains in the States generally, and that even, with the two exceptions that I have named, the supply will be exhausted in a few years, provided the demand continued to increase as it has done for many years past, along with the progressive prosperity of the Americans.

356. Is the quantity of the best kinds of pine, spruce, and oak timber, the property of the Crown

Crown in this Province, very considerable?—I believe it to be so, particularly in the country bordering upon the Ottawa, the northern shore of the St. Lawrence, a great distance on the shores of the river Saguenay and its tributaries, on the north shore below Quebec, and in the district of Gaspé; sufficient, in fact, to supply the demand of the United States for many years to come; and, if not sold under prices, such as might be easily obtained, it better communication was opened with the United States, as to produce a very large revenue.

357. Even at the present low rate of timber licences, is it not often more advantageous to purchase the land upon which the timber is growing, than to purchase a licence to cut timber upon it?—It is so decidedly upon all well timbered tracts. I have been employed myself to purchase land with this view. It may be conceived that this is the case when in the districts where tracts of land are purchased for this object, the price of a licence would amount, on an average, to about 6s. 8d. per acre, and the average price of land is only about 2s. 2d. per acre. You, therefore, get your timber at less than half-price, and have the land remaining when the timber is cut. For example, last year, a saw-mill proprietor had cut timber upon a 200 acre lot, in which I was interested, in one of the townships south of the St. Lawrence. I seized the timber which he had cut, and entered into an agreement with him, by which I received fully at the rate of 10s. an acre for the trespass on the timber, allowing him to take all he had actually felled.

358. What is the upset price of Crown land in that township?—Four shillings. I bought myself and others all the clergy reserves then open for sale in that township in 1830, amounting to about 1,800 acres, at the upset price of 4s. per acre.

359. If such be the case, however, any such rise as you appear to contemplate in the price of timber licences ought to be accompanied by a corresponding rise in the price of the wild land of the Crown?—Undoubtedly so.

360. Have you any further remarks to make as to the present system of timber licences?—I wish to state that I think it unfair that the Crown should, when they have so few remaining lots in the townships bordering on the Nicolet, Becancour, and Gentilly, persist in selling licences to cut timber in those townships, which in fact operate only as licence to cut timber on the property of private individuals: the survey posts are obliterated, and the lumbermen cut away without the least regard to private property. There is a suit now pending in the district of Three Rivers, for damages sustained in this way. The Government, too, is entirely dependent on the honesty of the purchasers of the timber licences, in all the country below the Ottawa, for a fair return of the quantity he may cut under it; the Crown not having any supervisor to count the logs or pieces where the parties cut; and I believe that in many instances they cut much larger quantities than they are allowed to do under the licences.

361. Can you give any information as to the class of persons who hold in private property large tracts of waste lands?—I have prepared myself to answer that question, and I now hand in a list which embraces the greater part of the large proprietors in free and common socage in Lower Canada. This list is not given as being correct in every particular; but from the knowledge I have of the acquisitions of the principal landholders, I believe it to be nearly so.

List of large Proprietors of Township Land in Lower Canada.

Dunn Estate, supposed about	52,000
Frobisher Estate	57,000
Heirs of the late J. Wurtell	49,000 purchase.
Colonel Plenderleath	42,000
McGill Estate	38,000
Richardson Estate, represented by enterprising Americans	31,000 purchase.
Honourable Mr. Bell	30,000 purchase.
Philemon Wright	25,000
Estate of Judge Ogden	20,000
Sir John Caldwell, about	25,000
Charles Ogden, esq.	25,000 purchase.
Louis Massue, esq., represented by enterprising Americans	40,000 purchase.
Hart families, different branches	40,000 purchase.
Messrs. Forsyth & Hatt	40,000 purchase.
William Vondenvelden	25,000 purchase.
Estate of G. Gluneg	10,000
Webb and others	28,000 purchase.
F. and M. Defoy	14,000
Bagnes Estate	2,000
Estate of William Holmes	14,000 purchase.
by family	10,000
by family	10,000
Colonel Heriot	12,000
R. Stewart, esq.	14,000 purchase.
Taylor, esq.	17,000 purchase.
Clarke Estate	12,000
Scott family	11,000
P. Patterson, esq.	22,000 purchase.
J. H. Kerr, esq.	21,000 purchase.
T. A. Stayner, esq.	24,000 purchase.
Blanchet Estate	13,000 purchase.

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Evidence.	J. B. Forsyth, esq.	-	-	-	-	-	10,000 purchase.
	D. Burnet, esq.	-	-	-	-	-	10,000 purchase.
J. Hastings Kerr, Esq.	Taylor Estate	-	-	-	-	-	21,000 purchase.
	Felton family	-	-	-	-	-	12,000
	W. Gregory, esq.	-	-	-	-	-	11,000
	Montizambert family	-	-	-	-	-	10,000
	Wilson Estate	-	-	-	-	-	12,000
	Judge Gale, supposed	-	-	-	-	-	10,000
	Judge Bowen	-	-	-	-	-	10,000 purchase.
	George S. Rodington	-	-	-	-	-	2,000 purchase.
	William Henderson	-	-	-	-	-	22,000 purchase.
	Commissary-General	-	-	-	-	-	10,000
	Gray Estate	-	-	-	-	-	8,000 purchase.
	Stewart family	-	-	-	-	-	6,000
	Chief Justice Sewell, about	-	-	-	-	-	6,500 purchase.
	Allsopp family	-	-	-	-	-	16,000
	Cuyler Estate	-	-	-	-	-	6,000
	William Somerville, esq.	-	-	-	-	-	8,500 purchase.
	James Stewart, esq., about	-	-	-	-	-	8,000 purchase.
	Lester and Morrogh Estate	-	-	-	-	-	4,500
	Quebec Bank	-	-	-	-	-	14,900 purchase.
	William Phillips, esq.	-	-	-	-	-	50,000 purchase.
	Mountain family	-	-	-	-	-	3,000
	Estate of General Maclean	-	-	-	-	-	3,000
	Colonel Robertson's Estate	-	-	-	-	-	12,000
	Mr. St. Ours	-	-	-	-	-	3,000
	Dunford Estate	-	-	-	-	-	8,200
	Blackwood Estate	-	-	-	-	-	4,000 purchase.
	William Hall	-	-	-	-	-	14,000
	Sutherland Estate	-	-	-	-	-	12,000
	L. Knowlton and others	-	-	-	-	-	20,000 purchase.
	Stanley Bagge	-	-	-	-	-	4,000 purchase.
	Benjamin Tremain	-	-	-	-	-	8,000 purchase.
	Honourable J. Stewart	-	-	-	-	-	2,000
	Walker family	-	-	-	-	-	2,000
	Mrs. Quiche	-	-	-	-	-	7,200 purchase.
	Green family	-	-	-	-	-	6,000
	Stanton family	-	-	-	-	-	8,200
	Pozar family	-	-	-	-	-	20,000 purchase.
	Robinson Estate	-	-	-	-	-	4,000 purchase.
	N. Coffin	-	-	-	-	-	2,000
	Bejilon	-	-	-	-	-	10,000
	Henry Hayle	-	-	-	-	-	4,000 purchase.
	Gilpin Gorst	-	-	-	-	-	5,000 purchase.
	Cull Estate	-	-	-	-	-	3,000
	Longmen family	-	-	-	-	-	11,000
	Honourable E. Ellice, supposed	-	-	-	-	-	30,000
	White family	-	-	-	-	-	6,000 purchase.
	Rev. M. Sewell	-	-	-	-	-	3,060 purchase
	Fraser Estate	-	-	-	-	-	6,000
	Mrs. Scott	-	-	-	-	-	2,400
	Holland Estate	-	-	-	-	-	4,000
	Miss Finlay	-	-	-	-	-	5,000
	Mrs. Elliot	-	-	-	-	-	3,000 part purchase.
	Estate of James Coldwell	-	-	-	-	-	2,000
	J. McLeod	-	-	-	-	-	2,000 purchase.
	H. Gowan	-	-	-	-	-	5,000 purchase.
	Dr. Skey	-	-	-	-	-	2,500 purchase.
	B. Bowman	-	-	-	-	-	4,000 purchase.
	William Torrance	-	-	-	-	-	6,000 purchase.
	Horatio Patton	-	-	-	-	-	2,000 purchase.
	William Patton	-	-	-	-	-	3,000 purchase.
	William Price	-	-	-	-	-	4,500
	Henry Le Mesurier	-	-	-	-	-	10,000 purchase.
	Jacques Voyer	-	-	-	-	-	2,000
	J. McLean	-	-	-	-	-	3,000
	George Hamilton	-	-	-	-	-	3,500 purchase.
	Pastonon family	-	-	-	-	-	3,000
	Mallust estate	-	-	-	-	-	5,000
	Judge Pyke and Desbarats	-	-	-	-	-	24,000
	Chime family	-	-	-	-	-	2,000
	Armstrong family	-	-	-	-	-	3,000
	Trueman Kempton	-	-	-	-	-	16,000 purchase.
	J. W. Wainwright	-	-	-	-	-	5,600 purchase.

What

362. What proportion of these 1,800,000 acres do you suppose to be in a perfectly wild state?—Certainly a million of acres.

363. Do many of the proprietors reside upon their land?—Six out of the whole number reside upon their land.

364. Are many of the proprietors absentees from the country?—There are, I believe, 13 holding land, as follows:

Acres.	Acres.
42,000	3,500
35,000	6,000
10,000	5,200
28,000	5,000
17,000	30,000
21,000	
11,000	219,700
6,000	

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365. Where do the other proprietors generally reside?—Generally in the cities of Montreal and Quebec, and the town of Three Rivers.

366. Of what class do they generally consist?—Generally of persons in affluent circumstances, consisting of the most influential class. I could have added very much to the list by taking in persons of a similar class who hold from 800 to 2,000 acres.

367. This is the class of persons upon whom a wild land tax would chiefly fall?—It is; the poor proprietors are generally settled upon and have cultivated their lands.

368. Of what class are the holders of wild land upon the original tenures, whether of French or English origin?—Of late years many men of British origin have bought out the French seigniors, and I should suppose that at this moment more than two-thirds of the large seignories are held by persons of British origin.

369. But of whatever origin, of what class in society are the holders of these large tracts of wild seigniorial land?—In affluent or easy circumstances, like the proprietors of wild land in free and common socage. I should have mentioned that within the last six years many seigniors, under the provisions of the imperial statute, have changed the tenure of their properties to that of free and common socage; but these holders of large tracts of wild lands are not included in the list which I have given in.

370. From your long and intimate acquaintance with the different systems or practices which have been pursued in this colony with respect to the disposal of Crown lands, and with that which is now in force, do you believe that the settlement and improvement of the country can be effectually promoted without some important change?—I do not think it possible that under the systems or practices which have prevailed, or which now prevail, that any effectual settlement of the country could be made. But, supposing a judicious system adopted and established by law, so as to be free from uncertainty, and with good provisions for the due administration of the law, then I believe that this country would present as fair a field for settlement as any in the world.

John Davidson, Esq., Commissioner of Crown Lands.

371. CAN you furnish a statement of the grounds upon which all free grants of land have been made since the receipt of the Treasury instructions of November 1826?—No, I cannot.

J. Davidson, Esq.

372. Is there no such account in your office?—Not in our office.

373. As all such free grants were made upon the recommendations of the Executive Council, is it probable that some record of that sort may be obtained from the books of the Council?—I do not know enough of the proceedings of the Executive Council to state if such is the case, but I should presume that the petition on which the grants are founded must be on record, either there, or with the provincial secretary.

374. At all events, your office supplies no means of obtaining the desired information?—No further than when the docket of the entry of the patent states the quality of the party; but this is by no means a general thing; and even then it does not state that it is in respect of the qualification, as, for instance, in respect of officers in the army.

George Herman Ryland, Esq., Assistant Clerk of Executive Council.

375. ARE applications for free grants of land determined by the Executive Council?—They have been hitherto, when referred by the Governor to the Board.

G. H. Ryland, Esq.

376. Is that course general?—Yes. The Governor, by his instructions, has been obliged to refer such applications to the Executive Council for their opinion. I believe those instructions go so far as to say, that no grants shall be made unless by the consent and advice of the Council.

377. I conclude that a record is kept of the opinion of the Council upon every such application?—Yes, upon all those referred to them.

378. But I understand you to say, that all such applications were of necessity referred to the Council?—Yes, where the Governor thought the party deserving of the bounty of Government, or that his claim was well founded.

3.—III.

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379. Does



## Evidences.

G. H. Ryland, Esq.

379. Does the record of the opinion of the Council upon every application contain any statement of the grounds upon which the opinion of the Council was formed?—Not in every instance; but as the quantum to be granted was determined by instructions from home with respect to officers and men of the army, navy, and militia, and as half a lot was usually granted to an ordinary settler, the rank or class of the applicant (which was generally mentioned in the heading of the report of Council) may be considered as the grounds on which the grant was recommended. In cases where the claims of the party admitted of a doubt, the committee of Council stated their reasons for granting or rejecting the application.

380. Will the reasons, then, be found in all cases except as to officers?—In many instances, I think. The letter of reference accompanying memorials where the case of the applicant was not clearly made out, sometimes stated the opinion of the Governor as to the right of the party claiming for a grant of land.

381. But that is not the point. What, I wished to ascertain was, whether, excepting in the cases of officers, the records of the Council contain a statement of the grounds upon which the petition was acceded to?—Not necessarily in all.

382. In what proportion do you imagine?—That I really cannot say.

383. Do you believe the record exists as to half the cases?—No, certainly not.

384. Or a quarter?—No, I should think not. The memorial would contain the reasons why the grant was asked; and if the Council were satisfied that they were just, a recommendation that the prayer of the petition should be granted was considered sufficient, without recording the contents of the memorial.

385. What then became of the memorials?—In most cases where the applications were granted, they remained in our office, unless the application was for a patent upon a prior recommendation of the Council, the conditions of which had been complied with. In those cases the memorial was returned to the applicant, when the party proceeded to sue out the patent.

386. So that in all cases where the land was actually granted, the memorial containing the grounds of the applicant's claim was returned to him, no copy being kept in your office?—Yes; we keep no copy of the memorial.

387. And, except from the memorial, you are not aware how it would be possible to learn the grounds upon which the grant was made?—No, except from the mention of the rank of the applicant, or from the order of reference which, in any particular case, would contain the grounds upon which the application was made; for instance, if the Council had refused the prayer of an application, and the party praying for a grant had made it appear to the Governor that the Council had come to a hasty conclusion, the reference would probably contain his reasons for submitting it to the reconsideration of the committee.

388. This last statement, however, applies to but a very small number of cases?—To a very few indeed: the reference is generally placed upon the back of the petition in the following words: "Referred to a committee of the whole Council by order of his Excellency the Governor in Chief," signed by the secretary for the time being.

389. The present inquiry relates only to cases of actual grants (excluding all cases of refusal) exceeding 2,000 in number, comprising nearly 3,000,000 of acres, of which free grants a considerable number have been made since a general order of the Government to dispose of all Crown lands by sale only. What the Commissioners desire to obtain from you is the means by which they can learn the grounds upon which such grants have been made?—By reference to the applications themselves, some of which are lodged in my office; and I should presume the others are with the provincial secretary.

390. What proportion of them do you suppose are in your office?—Very few indeed, since the year 1827.

391. And as to the others, you would refer the Commissioners to the provincial secretary?—Yes; such applications as are in my office, I shall be happy to furnish the Commissioners with.

392. Perhaps you will be so good as to make out a statement of the grounds upon which the applications were granted, in all such cases as have been recorded in your office, either by remarks or by having preserved the original memorial?—I should be happy to give the original memorials to the Commissioners; but as to making out the statement they require, I fear, that with the limited assistance I have in my office, it would be impracticable. It would take a great length of time, as I must go into every individual case, and compare the reports of Council with the application; besides which my office furnishes me with very imperfect information.

393. Do you imagine that the Patent-office contains any report of the grounds upon which these free grants have been made?—I should think it does.

394. That is, the office of the provincial secretary?—Yes.

Thomas Allen Stayner, Esq., Deputy Postmaster-General for British North America.

T. A. Stayner, Esq.

395. How long have you resided in this Province?—Upwards of 26 years.

396. We understand that you are a considerable proprietor of lands in the Province?—Yes, I am a large proprietor, both in this Province and in Upper Canada.

397. You have also visited New Brunswick, Nova Scotia, and Prince Edward's Island?

—Yes, I am personally acquainted with all the Provinces.

398. Has your attention been directed to the state of landed property in this Province, as acquired by the manner in which lands, the property of the Crown, have been disposed of

to individuals?—From having a large stake in the country, my attention has been naturally directed to a subject of such great importance to my own interest, and to that of the public in this colony.

Evidence.

T. A. Stuymer, Esq.

399. The particular circumstance to which the Commission is desirous of drawing your attention, is the large proportion of land which has become private property, so as to be out of the control of the Government, and yet remains in a wilderness state, operating as an impediment to the communications and to the settlement and improvement of the Province?—This is, no doubt, a very serious evil; it is one, amongst others, of the great causes which have kept this Province so long in the back ground, and prevented the development of its resources; and I conceive that the primary step, in the formation of a general scheme for the actual settlement of the waste lands of the country, should be to remove, or, at all events, essentially to diminish, the impediments which it presents to anything in the shape of improvement.

In expressing an opinion of this nature, I am, perhaps, advocating a view of the question which may expose me to the risk of suffering materially in my interests, through the application of the remedy which, it is probable, will be tried by the Government, with the design of abating the mischiefs arising out of the monopoly of large tracts of wild land by individuals, inasmuch as I am the proprietor of about 50,000 acres of that description of land in this Province; but the conviction has long been pressing upon my mind, that I and other large holders were unwittingly illustrating the fable of the dog in the manger; and this not only in a direct sense, as regards the immediate profit or loss from the lands, but indirectly also, as the general interests of the Province must suffer through a mistaken or vicious system of managing the wilderness lands, which I look upon at present as the chief staple of the country.

A circumstance like the following will show how necessarily I have been led to that view of the subject which I am now taking: 20 years ago, or thereabout, I purchased wild land at what was then considered a low price, in the natural hope that it would be gradually increasing in value, and that, whenever I might choose to sell, it would be at such a profit as would afford me a fair return for the use of the money employed; so far, however, from realizing this expectation, I now find, after the lapse of so many years (when the accumulated interest upon the money invested has increased the cost of the land 150 per cent.), I say I find that I could not, if compelled to sell this land, obtain more for it than it originally cost me.

I do not say but that wild lands, in some parts of the Province, have been sold at a profit within the period cited by me; but, generally speaking, there has been no improvement, deserving of the name, in the price of wild lands, as a marketable article, for a number of years; nor can any price be quoted now as the actual value of such property. With facts like the above before me (and they must be familiar to every man in the country who has been thrown in the way of studying the subject), I say that I have been convinced we were labouring under a delusion in fancying that it was a desirable thing to acquire large tracts of wild land in a Province circumstanced as this has been; and, consequent upon that conviction, I am willing to give my support to any well-considered measure having for its object the forcing of these and other wild lands into actual occupation and settlement, even with the risk attached to it, that, as the holder of a considerable number of acres, which for many years may not be available in the market, I shall be subjected to a large outlay in the shape of fine or tax, which, should the scheme prove a failure, I may never get back. In other words, I consider that nothing can be worse than the present state of things (whether with reference to the interests of individuals, or the prosperity of the colony), and that the sooner a reform is taken in hand by the Government the better for all parties; but, though I speak thus decidedly of the necessity of introducing some system which shall tend to the settlement of the wild lands now in private hands, I mean as decidedly to say that I would not recommend any coercive or penal measure against proprietors, except I were assured that, *pari passu* with the progress of such measure, a plan of emigration on an extended, liberal, and permanent footing should be put into action, and that the funds which I contemplate as accruing from the fines upon wild lands should be expended in bringing out emigrants, and in making practicable and durable roads through those parts of the Province (so far as can be done) whence the revenue is derived. I would bargain for a full and continuous stream of emigration to the Province, and for the actual settlement of the emigrants therein, as well as for the opening of good roads; otherwise the tax upon wild lands would be felt as nothing better than a robbery, the ultimate effect of which would be what is now witnessed in Upper Canada, through the operation of the wild-land tax there, namely, the wresting of the land from the original owners, and suffering it to fall (in larger masses) into the hands of speculators, who, purchasing it for a mere trifle, can afford to keep it for many years in an unimproved state, and until it suits their convenience to sell it; thus defeating the main object of the Government in imposing the tax.

In employing the land-tax revenue for the objects to which I have adverted, I beg to say that, instead of waiting for the gradual accumulation of a fund from the actual receipts of the assessment (a tedious and objectionable process in the present circumstances of the country), I would recommend the securing of such a sum of money on loan (upon mortgage on the taxes) as would enable the Government to go forward with its plans promptly and vigorously; and I would further recommend that the funds derived from the sale of the Government lands and timber should all be directed to this same great object, as one upon which the ultimate prosperity of the country, as a dependency of the British Crown, mainly depends.

## Evidence.

T. A. Stuyvesant, Esq.

400. What scheme of taxation would you suggest as best suited, in your opinion, to work out the improvements which you admit to be so much required?—It is a very difficult task for me to give such an opinion on this question as would be satisfactory to myself; there are many conflicting considerations to be weighed and decided upon; and after all, any plan that can be tried will be but an experiment, the working of which may be materially influenced by causes which have not yet been contemplated.

It appears to me, however, that a main point to keep in view in legislating upon the question, is the cost of wild land in the United States. We should endeavour to make the settlement of land in this and the other Provinces fully as advantageous to the settler as it is in those States, otherwise we shall assuredly lose the greater number, and the best description of our settlers after being at the expense of bringing them out. The measure of the tax upon unimproved land, therefore, ought to be in exact proportion to the value of the land itself; and the value of the land should be in a great degree estimated with reference to the price at which wild land can be purchased in the United States, for ready money.

My idea is that a tax of a halfpenny currency an acre would be a proper sum for the first two years. If not then paid, I would double the rate, making it a penny an acre for the whole of the unpaid time; and for non-payment at the end of those two years, I would again double the rate, making it 2*d.* an acre per annum for six years. Thus for six years unpaid taxes on a lot of 200 acres, the aggregate dues would amount to 10*l.*; and if not then paid, I would sell the land.

I have heard that instead of putting the land up to public sale for payment of the taxes, as is done in Upper Canada, it would be better that Government should take such portion of the lot as, at a prescribed value, should liquidate the claim; this plan appears to be more indulgent to the owner of the land, but I do not think it would answer, as the effect would be to throw a great number of fragments of lots into the hands of Government, which would be utterly unavailable. Another, and perhaps a better plan than either of those, would be for the Government at the end of the six years to assume the whole of the lot, at a reduced price, say at one-half or one-third the Government price, paying the proprietor the difference between the purchase-money and the amount of the tax.

401. As regards emigration to these Provinces, will you be so good as to throw into a condensed shape any ideas that may have struck you as calculated to advance the great object in view; that of the actual occupation and settlement of the land by a loyal and industrious population?—I have long been of opinion that the great want of success which has attended so many attempts at settlement in this and the other Provinces, is occasioned by so many poor emigrants, upon their first arriving in the country, undertaking the management of wild lands, and depending upon the produce thereof for subsistence for themselves and families. Many of those poor people have little or no agricultural knowledge, even in a general way, and they are all ignorant of the husbandry practised in the country; the consequence is, that after getting into the "bush," as it is called, they find themselves beset by privations and difficulties which they are not able to contend with; and giving way under the pressure, they abandon their little improvements to seek a livelihood elsewhere. Many resort to the large towns in the Provinces, with their starving families, to eke out, by day-labour and begging, together a wretched existence, whilst others of them (more enterprising) are tempted by the reputed high wages and more genial climate of the United States to try their fortunes in that country. Now and then some individual better gifted, and possessing more energy of character than the mass of the adventurers who arrive, will successfully contend with those difficulties, and do well for himself and family, but the proportion of such is small.

I look upon it that capital is quite as necessary to the successful settlement of the farmer in this new country as it is in England, though of course upon a smaller scale; and that without a capital, or an equivalent for it, the greater proportion of adventurers will altogether fail, or succeed in so imperfect a degree, that the result is of little benefit either to themselves or the country. I would, therefore, if only from a feeling of humanity, discourage the indiscriminate cession of wild lands to new comers without capital. It is far better for themselves and the country that they should labour as servants for a few years, until they have acquired a stock of knowledge, together with money sufficient to enable them to contend against the difficulties by which the inhabitants in the new settlements are sure to be assailed. Such an arrangement as would oblige the poorer class of emigrants to labour for a few years as servants, before undertaking the management of farms on their own accounts, would operate beneficially in another respect; that is, it would afford to those settlers who have capital to work with, the means of procuring labour at a reasonable cost, which it is notorious cannot now be done; in fact, the extravagant wages demanded by agricultural labourers in this Province at present, must eat up all the profits of the farmer. In laying down a scheme for emigration to the Provinces on an extended scale, I should say that great efforts ought to be used to bring out a considerable proportion of practical farmers possessing capital; I conceive that such people might be induced to come out in greater numbers than they have hitherto done, upon proper representations, and holding out to them due encouragement. The formation of good roads throughout the tracts of country open to settlement, connecting the same with railroads and with steam navigation, would operate as a powerful argument with such people to fix their fortunes in the country. As to the poorer classes, they should, as far as practicable, be newly married couples, without the incumbrances of the old and infirm, the paupers and worn-out pensioners, which have hitherto constituted a considerable portion of the annual arrivals from the British Isles, and operated as a heavy clog upon the prosperity of the country. I would induce as many

of those newly-married couples or young unmarried people as possible to come out, finding them a comfortable passage in the first place, and holding out to them further encouragement for continuing in the Province and conducting themselves well. They should come out under a bond to remain in the country for at least three years, during which period they should be under the protection of the commission appointed for carrying out the object (for I am presupposing that such a commission will form part of the new system.) I would apprentice out to respectable farmers and capitalists such of the new comers as were willing to enter into an engagement of that nature, giving them the benefit of the wages agreed upon, and holding out the promise of a bounty to such of them as should conduct themselves creditably during the term of apprenticeship.

The opening of the roads which I recommend as an essential feature in the proposed system, will afford employment for great numbers of the poorer classes who cannot be disposed of as farm servants. I would arrange with those that a portion of their wages should be retained in the hands of the commissioners for the first three years, upon the principle of a saving's bank, allowing them five per cent. interest therefor. I think that this would not only please the people and win their confidence, but be the means of providing them at the end of the term with a fund, from which they might pay an instalment upon the purchase of 100 acres of land, and commence farming on their own account. I would also apply this system of saving a portion of their wages to those emigrants who may be apprenticed as farm servants. I am persuaded that this plan (if it can be matured) will tend to happy results.

402. What country people appear to you to make the best settlers in these Provinces?—The Lowland Scotch and the Irish are, in my opinion, best suited for encountering the privations and hardships to which new settlers are almost invariably exposed; they are frugal in their habits, hardy, and for the most part industrious; the Irish, above any people, most readily conform to the new habits of life and of labour which obtain in the Provinces; and it is found, also, that instead of the recklessness which is generally considered as belonging to the Irish character in their own country, they become careful of their earnings, and go on progressively improving their circumstances. The English agriculturist (if a poor man) is seldom so well fitted for becoming a good settler as either the Lowland Scotch or the Irish; he can neither live so frugally, nor does he bear his change of circumstances with so much cheerfulness as the others; this observation applies as well to the women as to the men.

The Germans and Dutch, if located in bodies, become very good settlers. In Upper Canada, and, on a more extensive scale, in several of the United States, they have succeeded very well; they are sober-minded and plodding people, not restless nor prone to change. I should like to see an extensive importation of those people, and of the Swiss also.

403. Having regard to the government price of land in the United States, to which you have already adverted, and to other circumstances which you may consider as bearing upon the question, what value do you think should be affixed to the waste lands of the Crown in this Province?—Besides the price of lands in the United States, I must, in answering this question, have regard to the large quantities of land in the Province held in private hands; much of which is choice land, and in locations most favourable for settlement. There are, perhaps, a million and a half of acres of wild land in the possession of individuals; many of whom it is supposed would be willing to sell at what may be called a low rate for cash, say for from 4s. to 7s. 6d. currency an acre. Whilst so much land is held in this way, it will naturally influence any arrangement for the disposal of the waste lands of the Crown.

Wild lands vary in value very materially, as well from the quality of the land itself, as from its situation; but there is also another circumstance connected with the question of fixing a value upon the waste lands of Government which it may be well to bear in mind, that is, the timber upon it. Until very recently, the timber, as an article of commerce, was not taken into consideration either by Government or by private holders, but it is now otherwise. Our American neighbours have discovered, to their astonishment, that their own resources for pine timber are nearly exhausted, and they are looking with great interest to the lands in Lower Canada and New Brunswick, which possess that valuable article. In the year 1835, speculators from the states of Maine and New York came into this Province and purchased about a million of acres of land, said to be wooded with pine and spruce; and there is no doubt, that but for the financial difficulties which befel the whole of the United States at the close of the year 1835 and commencement of 1836, much more extensive acquisitions of pine and spruce lands would have been made by the Americans; the disposition to acquire those lands is only temporarily suspended, and it is quite probable that in four or five years more the passion will return as strongly as ever. Now, according to the scale by which the Americans estimate such lands, they may be considered as worth from two to six dollars an acre, merely for the timber. The question may therefore be, whether this consideration is to constitute an element in the scheme to be devised, and if so, to what extent? It should be borne in mind also, that the land most valuable for timber is seldom of great value for agricultural purposes. Setting aside for the moment the pine and spruce lands, I do not think that a higher rate than 7s. 6d. currency an acre can be put upon the waste lands of the Crown.

404. Would you limit the quantity of land to be sold to either settlers or speculators?—I think it would not be possible to do this if you sell for ready money; and any other principle of sale would, in my opinion, only tend to perpetuate and increase the evils under which we are now labouring.



## Evidence.

Mr. Andrew Russell.

Mr. A. Russell.

405. You are a land-surveyor, and have been regularly employed by the Government since 1820?—Yes; chiefly in the townships in the counties of Megantic and Sherbrooke.

406. With what townships are you most particularly acquainted?—With the townships of Inverness, Ireland, Nelson, Halifax, Leeds, and Wolfstown, where I have been employed for many years surveying; and in one of which, the township of Leeds, I held a farm.

407. That district is considered one of the most fertile in the Province?—It is equal to the other eastern townships, which are regarded as the finest part of the Province.

408. Be so good as to describe the state of that district with respect to the degree of settlement that has taken place there, the proportion of land which has become private property to land which remains the property of the Crown, and the proportions in which land, private property, has been cultivated?—In the township of Inverness, which consists of nearly 68,000 acres, leaving, after the deduction for highways, about 61,800 acres of grantable land, there are only 6,200 acres undisposed of, being chiefly the remainder of the Crown and clergy reserves. The first grant in this township was to Mr. M'Gillivray, who, I believe, was one of the partners in the North-west Company, of a quarter of the township, exclusive of the Crown and clergy reserves, comprising 11,550 acres. Mr. M'Gillivray the same year transferred this right to Mr. Frobisher, another of the partners, who granted 200 acres of land, each to two Americans, who settled in the township in the year 1806. These Americans cleared from 60 to 70 acres each, and are at present living upon those farms. From that time till 1824 nothing was done in the way of settlement in this township, though what are termed settlement duties, i. e. the clearing of four acres of land and the erection of a hut, were performed by different individuals upon grants which they had received from the Crown. Between 1824 and 1827, three or four individuals established themselves upon grants from the Crown, and made small clearings. In 1827, my father was appointed agent for settling the township, and he located upwards of 30 families upon new grants. He was empowered to grant 100 acres of land to any British subject of good character, who actually settled upon the land; so that in the month of July 1829, when I became agent for the Commissioner of Crown lands, there were 42 families in the whole settled in the township. They had cleared 473 acres, had erected 41 houses, 14 barns, and 18 stables. Between 1829 and 1833 I located about 150 families upon 100 acre lots each, purchased on quit-rent. In addition to these, there were about 20 families who purchased from 100 to 200 acres each, the purchase-money to be paid by four yearly instalments. There were also 20 families from the island of Arran, tenants of the Duke of Hamilton, to whom a gratuitous grant of 100 acres each family, and 500 acres to the leader, was made. There have also been some few settlements made by the commuted pensioners, to whom 10,000 acres of land was allotted in this township; but not more than one-sixth of them have settled upon their land. Concurrently with these settlements upon Crown lands, there were settlements going on upon the land which had been granted to Mr. M'Gillivray and others. Some of the settlers have from time to time sold out from their settlements, and the whole number of families at the present time settled in this township is about 220, containing upwards of 800 souls. Of the lands disposed of by the Crown in this township, 41,100 acres are at present occupied by actual settlers. Out of the 55,400 acres which have become private property, there are about 4,800 acres, or about one-twelfth of the whole, cleared and under cultivation, being in the proportion of rather more than 21 acres to each family.

409. What roads are there in this township, and what is their present condition?—The Gosford road, commenced in 1830, passes through the centre of the township, but it has never been completed, and is in a very bad state of repair. The Craig's road passes along the south-east boundary, but it is also in a bad state of repair. There are bridle roads on the different concession lines. During a considerable portion of the year, though only at the distance of between 40 and 50 miles from Quebec, the settlers in this township can only reach that town on foot, or by a long detour, to get into the Craig's road, which, though bad is not actually impassable, but which makes the distance from 60 to 70 miles.

410. Will you proceed to describe in a similar manner the history and condition of the other five townships which you have mentioned?—In the township of Ireland, which is assumed to contain about 64,000 acres, or deducting the allowance for highways, 58,000, but the true contents of which cannot be known until the survey has been verified, there remain at the disposal of the Crown about 15,000 acres, including the clergy reserves. The first grant in this township was in 1802, to the Mr. Frobisher, to whom, as I have mentioned, Mr. M'Gillivray transferred his quarter of the township of Inverness, of a quarter of the township, or 11,550 acres. Settlement was commenced upon that grant as early as 1805. Mr. Frobisher located upon it about 12 or 14 families, erected a mill, and made a road from Dudswell to the settlement, a distance of 30 miles. From this time to 1820 no new settlements were formed. From the latter year to the present time settlers have occasionally established themselves in the township. A grant of about 4,000 acres in the whole was made to commuted pensioners, of whom about one-sixth only have settled. Of the 43,000 acres which have been disposed of by the Crown, the whole of which, except 700 acres sold on quit-rent, and 603 on instalments, has been disposed of by free grants, there are about 13,000 acres occupied, of which probably the half are in the grant made to Mr. Frobisher. The number of families settled is about 80, comprising 400 souls, the land cleared is about 3,100 acres, about 1-15th part of the whole amount which has become private property, and about 36 acres to each family. The road to Dudswell, made by Mr. Frobisher, is at present nearly impassable, and is used only as a cattle path. The only road from

Evidence.

Mr. A. Russell.

from this township to Quebec is the Craig's road. There is a road from Ireland to Shipton, which is generally very bad, and which is crossed by two considerable streams, from 300 to 800 feet in width, over which there are no bridges. In the township of Halifax, which is assumed to contain 68,000 acres, or 61,000 deducting the allowance for highways, there remains at the disposal of the Crown about 12,000 acres, including the clergy reserves. The first grant in this township was in 1802, of 11,560 acres, or a quarter of the township, to Mr. Jobert, who transferred his grant to Mr. Frobisher. Upon this grant only one settler was located about 1806. In 1806, there was a grant of 11,245 acres to Mr. Scott. Upon this grant some squatters established themselves some time before the year 1828, and the land which they had cleared was purchased from Mr. Scott by some settlers, who arranged with the squatters, and established themselves upon their improvements. In 1831, 10 or 12 families settled upon the Frobisher quarter, and a few commuted pensioners, about the same proportion of those to whom land had been granted as in the other cases I have mentioned, have also settled in the township. Within the last three years about 40 French Canadian families from the neighbouring seignories of St. Mary, St. Joseph, and Lotbinière have gone in and squatted, principally on the Frobisher tract. The number of families at the present time is between 50 and 60, consisting of about from 250 to 300 souls. There are about 3,000 acres of land occupied, of which there may be about 720 acres cleared, or a little more than the 70th part of the land disposed of. The only road in this township, with the exception of six bridle roads between the concessions, is the road from Ireland to Shipton. I was engaged in 1833 to trace a line for a road from the settlement in Inverness to Shipton, which would have passed through the centre of this township, but it was never made. So much of the land belonged to private proprietors that the Government did not think it worth while to incur the expense, although the line of road marked out was very favourable, and would have shortened the present distance from Shipton to Quebec by about 10 miles. In the township of Wolfstown, consisting of about 68,000 acres, or 61,000 after deducting the allowance for highways, there remains at the disposal of the Crown 34,300 acres, including the clergy reserves. In 1802 the north quarter of this township was granted to Nicholas Montour. This quarter has since passed through several hands, and is now, I understand, the property of the Quebec bank. Nothing has ever been done to settle this township, though some settlement duties have been performed; and I believe that there is only one person established upon it, who is a squatter. The Dudswell road, from Ireland to Dudswell, passes through this township, but it is impassable except during a short period in the most favourable season of the year. The population of the township consists of seven individuals, constituting the family of the squatter I have mentioned, and 18 acres have been cleared by him, being about the 2,000th part of the granted land. In the township of Leeds, which was supposed to contain 62,000 acres, or 56,000 exclusive of the allowance for highways; but the real dimensions of which, owing to an error in the survey, amount only to 52,800, there remain at the disposal of the Crown about 3,000 acres of clergy reserves. The Crown in this township has disposed, by grant and sale, of more land than it actually possessed, since, proceeding upon the assumption that the original survey was accurate, it has proportioned its grants to the assumed dimensions of the township. The first grant in this township was of the south-west quarter to Isaac Todd, who transferred it immediately to Mr. Frobisher. In 1812, 8,002 acres were sold to Mr. Hamilton; but a year before that a settlement had been made by Mr. Palmer and some others, upon land which had been granted to them under location tickets. From that time to 1819 nothing was done in the way of settlement. From 1819 to the present time settlers have been gradually establishing themselves in the township. Of the land disposed of by the Crown, 5,900 acres have been sold upon quit-rents, and 1,000 acres upon instalments; 5,800 acres have been granted to commuted pensioners, of whom about the same proportion as in the other townships have settled themselves. The population at the present time consists of 120 families, containing about 550 souls. The land occupied is about 32,900 acres, and the land cleared about 5,300 acres, rather more than 1-10th of the land granted. The Craig's road, passing through the township, is very rough and hilly, and in a bad state of repair. There is also a road called the Broughton road, leading from the Craig's road to the township of Broughton, which is in a very bad state, almost impassable; and there are bridle roads upon the different concessions. In the township of Nelson, comprising 64,800 acres, or, deducting the allowance for highways, rather more than 50,000 acres, there remain about 12,000 acres Crown and clergy reserves yet to be disposed of. The whole of this township, with the exception of the Crown and clergy reserves, was granted in 1804 to the officers and privates of the Canadian militia who served in the year 1775. Nothing in the way of settlement has been done upon this grant. About 1,200 acres of the Crown and clergy reserves have been sold upon quit-rent, and 240 upon instalments. The population consists of 12 families, containing about 50 souls; the quantity of land occupied is the 1,440 acres which have been sold; and about 100 acres, rather less than a 400th part of the land granted, have been cleared and cultivated.

411. Do you know if the whole or any part of the 38,000 acres granted in this township to the Canadian militia remains in the hands of the original grantees?—I am not aware. There have been a few settlements made upon these lands within the last two or three years by squatters, but I am not aware of the extent of their improvements. The only road passing through this township is the unfinished Gosford road, and there are a few bridle paths.

412. Are you acquainted with the condition of the township of Somerset, which adjoins to the township of Nelson?—It is wholly unoccupied, to the best of my knowledge; though there may be some squatters of whom I have not heard.

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413. Are

## Evidence.

Mr. A. Russell.

413. Are you aware that in that township also, nearly 30,000 acres of land, being the whole township with the exception of the reserves for the Crown and clergy, were granted in 1814 to the officers and privates of the Canadian militia?—I am.

414. And in both of those townships the whole of the land so granted remains totally waste and unoccupied, unless perhaps by mere squatters?—Yes.

415. Can you mention any other instances of townships in which large grants of land have been made by the Crown at a distant period, but where nothing has been done by the grantees to improve the land so granted?—There are many such. In Chester a grant of 11,550 acres was made, in 1802, to Simon McTavish, esq., who transferred the grant to Mr. Frobisher. Upon this grant there is now only one clearing of about 30 acres, which was made before the last American war by a person of the name of Moffatt, who has since abandoned the farm. In the same township there was another similar grant, of 11,707 acres, made in 1805, upon which there is only one resident, a squatter, of the name of Goodhugh, who has about 25 acres cleared, and a house and barn. In the township of Ham, too, of which a considerable portion has been granted by the Crown, there is not a single settlement. In Weedon, where also a considerable portion has been granted by the Crown, there is not a single settlement, though upon some of the grants settlement duties have been performed. In Clifton, where upwards of 40,000 acres were granted as early as 1803, there are at the present time only about 20 families located, some of whom are located upon land they have purchased from the Crown since 1827; and there may be about 500 acres cleared. In Dorset about 53,000 acres were granted to Mr. Black in 1799; there is not a single settlement. The land in this last township is of rather inferior quality.

TABULAR VIEW of the State of the Townships of Inverness, Ireland, Leeds, Halifax, Nelson, and Wolfstown.

Name of the Townships.	Superficial Contents in Acres, exclusive of Highways.	Number of Acres disposed of.	Of which there are occupied by Actual Settlers.	And unoccupied.	Number of Acres undisposed of, including Clergy Lands.	Number of Acres cleared and cultivated.	Proportion of disposed of Land cleared.	Number of Families residing in the Township.	Number of Inhabitants in the Township.	Average Number of Acres of cleared Land to each Family.	Average Number of Acres of Land occupied by each Family.
Inverness -	61,000	55,000	41,100	14,300	6,200	4,200	1-11th.	290	900	21	180
Ireland -	58,000	43,000	13,000	29,900	15,200	3,100	1-14th.	90	400	38	162
Leeds -	53,500	49,200	32,900	16,400	3,200	3,200	1-9th.	120	580	48	274
Halifax -	61,800	40,000	3,000	46,600	12,000	730	1-60th.	55	275	13	54
Nelson -	51,530	29,675	1,252	38,436	11,618	100	1-300th.	12	40	8	104
Wolfstown -	61,000	27,500	100	37,300	54,300	18	1-1510th.	1	7	16	100
	346,820	204,975	91,352	172,720	62,748	13,938	1-10th.	486	2,062	26½	166

Charles Franklin Head, Esq., Major in the Army.

C. F. Head, Esq.

416. You have been employed in making a military survey in this province?—Yes, I have. I was directed by Sir John Colborne to make a survey of the frontier townships opposite to the state of Vermont, which I have done from the township of Potton to the Connecticut River, a distance of about 50 miles.

417. The nature of your employment led you, I suppose, into communication with all classes of persons in the township?—The nature of my employment led me to have a constant connexion, during the time I was employed, with all classes of persons, more particularly in the townships of Potton, Stanstead, Barnston, B. rford and Hereford, which are five frontier townships. My survey also extended to the townships in the rear of them.

418. Were you also brought into communication with the inhabitants of the State of Vermont, bordering on the frontier?—Yes, I was. I frequently entered the State of Vermont, and people from that State were continually at Stanstead Plains, where I was stationed.

419. You have also passed through the other eastern townships in your way to and from your stations?—Yes, through many of them, which, in fact, have come under my investigation in connexion with the duties I was performing.

420. It is understood that you have acquired considerable information as to the state of landed property, as well that of the Crown, as of individuals, in those townships. Will you be so good as to describe their condition in that respect?—These townships are settled with a population of from 30 families and upwards, to a township of a hundred square miles. Even in those that are thus settled, the inhabitants are very insecure, both as to the title to the property and in their attachment to the country, from the circumstance of their not having titles to the land they occupy, or to the improvements which they have made upon such lands. In the frontier townships, they consist for the most part of squatters, who have settled upon the land without any title, and are without the means of knowing to whom the land really belongs; and under these circumstances, they naturally imagine that a revolution in the government might give them a title to the land they occupy.

421. How

## Evidence.

C. F. Head, Esq.

431. How has it happened that these persons have been unable to ascertain to whom the land belonged?—The land, generally speaking, has been granted in large blocks to absentees, who are either out of the country, or at a great distance from their property, and many have never taken any steps to preserve it, or to look after it in any way. So much so, that although the land is supposed to be granted, it is a matter of mere conjecture, with the actual settlers, as to who may be the legal proprietors of the soil; and I should also add that, from the imperfect state of the surveys of the country, it would be exceedingly difficult to find out who are the real owners. I would illustrate this by stating, that in the course of my surveys, the occupiers have become alarmed at seeing observations making; and when I have mentioned to them that I was not interfering with their property, they have mentioned that it was a great hardship to them, and very disheartening, that they should be improving the property upon which they were settled, without knowing who would reap the benefit.

432. Does this description apply to the whole of the frontier townships?—To the whole of them, with the exception of Stanstead, which has been long settled, and is better known, and where the limits of property are better ascertained; though, even there, to my knowledge, suits are pending to eject men, who, from their industry, have acquired considerable property.

433. Has any remedy for this suggested itself to your mind?—Seeing the mischievous effects of this system during the recent rebellion, when the inhabitants of the frontier townships were very much implicated, I turned my attention to the subject, with a view to some efficient remedy, and upon the fullest inquiry and deliberation, it appeared to me, that the only way of quieting such mischiefs, is to pass, as in many of the United States, what is called a settling Act, by which, in one way or other, actual settlers are insured the fruits of their own industry. This I understand is done in various ways in different States. In some, by allowing the actual settlers to purchase of the legal proprietors, at the price of adjoining wild lands. In others, by preventing the legal proprietor from ousting the settler until he has paid for his improvements at a valuation.

434. Do you consider such a settling Act essential to the security and well being of the frontier townships?—Without some such law, persons so circumstanced cannot feel themselves to have such an interest in the country, or in the maintenance of its government, as to be considered safe or good subjects.

435. Do not these occupiers without a title consist chiefly of Americans, however?—With few exceptions, they are persons who have come from the United States.

436. Are the inhabitants of these frontier townships exposed to any other inconvenience which indispenses them to the actual government?—Person upon first coming into a wild country, like those whom I have just mentioned, have no means of communication with each other, or with a market town, but by roads made and kept in repair by their own exertions; they are frequently miles asunder, and are separated by wild lands, not having any acknowledged proprietors to whom application could be made to assist in what is absolutely necessary to advance the settlement of a new country, such as the making of roads. They are therefore obliged to avail themselves of any means of communication that may exist; and people living in different parts of Canada, are frequently obliged to pass in and out of the United States to communicate with each other, or their county town, and even to go to church, by means of American roads.

437. This naturally leads to comparisons injurious to the Canadian side of the frontier?—Yes; and to discontent on the Canadian side.

438. What then can induce Americans to settle on the Canadian, rather than the American side of the line?—The land is decidedly better in the townships than in the State of Vermont, and the people also would prefer the Canadian government, if they had the same encouragement to improvements that there is in the United States, being very sensible of the benefit of this government, from its not requiring them to pay taxes. Many of the settlers who do come in, not being able to get any title to the land they occupy, never become a fixed population. They clear a few acres to take the benefit of a new soil; they never fence, or take out stumps, or manure, but change from place to place, and may be looked upon as a kind of gypsy race, and ready to join in any mischief that may be going on.

439. Are you aware that immediately after the last American war, the Provincial Government was instructed to prevent as far as possible the settlement of lands, and the making of roads, near to the American frontier, under the idea that a belt of desert land between this country and the United States, would be a means of defence and security?—I understand that such was the opinion after the termination of the last war, but the system has been altogether inefficient, which is completely proved by the fact that the frontier townships are chiefly settled by people from the United States, who have spread themselves into the second and third range of townships, and would no doubt come to the St. Lawrence, if lands were procurable on the terms on which they have occupied the frontier wilderness, that is to say, without payment, and this would of necessity be the effect of a neglect to settle these lands.

430. Does it not occur to you that by enabling these squatters to get secure possession of the lands they occupy, the practice of squatting by American citizens might be encouraged for the future?—There are a considerable number of American citizens who are desirous of becoming British subjects to escape local taxation, and who would make excellent pioneers; these persons would buy wild lands at a fair price, and, having improved them, would dispose of them again for what would be considered a good price by them, but which would be easy to an English settler unaccustomed to the use of the axe, and to the privation of a forest life.

431. Then if a good title were obtainable to new lands upon easy terms, you believe that the

Age of Number of Land Family.	Average Number of Acres of Land occupied by each Family.
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## Evidence.

C. F. Head, Esq.

the inducement to squatting without a title would be removed?—Yes, there can be no doubt that such would be the case. These persons would then be able to bring their improvements to the open market. They are now selling improved lands, under the name of betterments, for a nominal value, on account of not being able to give a title.

432. What are the present obstacles to settling upon land in these townships by purchase, whether from the Crown or from individuals?—The first difficulty is the inability to discover the owner of the property upon which he wishes to settle, that is, whether it be the property of the Crown or individuals. There are no marks at present for lots or ranges of land, and great expense would attend ascertaining the actual position of any lot marked in the map. For although these lots are very nicely defined on paper, I see no way by which a spot can be determined to be in one lot or another by any process available to a surveyor. This more particularly applies to the townships of which I have been speaking, and which have many miles without a settlement. Another obstacle is, that from the wild state of the country at present, and the want of means to ascertain particular lots, after all possible care has been taken to discover a lot of ground, it will in all probability at a future day turn out to be greatly out of its supposed position. Townships have been found to want a whole range when a more accurate survey has been made, in consequence of its becoming more valuable. Another obstacle which they have to encounter is, the terms upon which alone they can obtain land. They might be able to pay instalments, but they have not the means of paying the money down. The Land Company is an exception to this, but they have but a limited range.

433. Do you consider the townships of Lower Canada as highly eligible for settlement?—They are particularly so. Men have acquired a very handsome independence who have started without anything but their axe, and who are now alive to tell their story. They would form a remarkably fine grazing country. They are intersected in every direction by rivulets, streams, and lakes. The farmers only want an outlet for their produce, to extend the growth of it, or to extend the herd of cattle to any amount. They feel the want of this outlet, and they have applied to the House of Assembly for an Act permitting them to make a railroad to the St. Lawrence, but the application was refused. They are now paying 5s. per cwt. either way to the nearest market for the transport of their produce; and they cannot compete with the Americans living on Lake Champlain, who, without waste of cattle, or any considerable expense, supply the market, which would naturally belong to the eastern townships, if their enterprises were allowed fair play. The natural features of the country, notwithstanding these circumstances, are such that the people are independent, and living comfortably, but cannot extend their industry and enterprise much beyond individual wants, and therefore the townships have been prevented from advancing as they might have done. The climate is particularly fine and healthy, and improvements are going on, but not in the proportion they might. The townships are naturally a splendid country; and it is not my opinion only, but that of the oldest and most intelligent residents generally, that nothing is wanted to make a high degree of prosperity there, but a cheap and expeditious communication with the markets and shipping of the St. Lawrence.

434. Would not such a communication with the St. Lawrence add greatly to the value of land generally in the township?—It would do so of necessity, and in all probability nearly double the value. Of course the degree of benefit would depend upon vicinity to the railroad, but other roads would immediately follow the making of a main line, and thus diffuse the benefits over the whole country.

435. What is the course of the railway which the people of the townships would have made if the Government had not prevented them?—The line most favourable would be from Stanstead plains to Sherbrook, for which the country is very suitable, a distance of 40 miles. From Sherbrook it would follow the course of the river St. Francis to Port St. Francis, on the St. Lawrence, which would be convenient to the markets of Montreal and Quebec. The whole distance of the railway is 110 miles. From the best opinions I have been able to collect, the cost would be about 5,000 *l.* per mile, or about half a million for the whole distance. The expenditure would, in my opinion, add so greatly to the value of the land through which the line passed that the proprietors would do well to furnish at once at least 100,000 *l.* of the proposed outlay, as no more than equivalent for immediate benefits.

24 July 1836.

Honourable *Dominick Daly*, Secretary and Registrar of the Province, and Member of the Executive Council.

Hon. D. Daly.

436. How long have you resided in this country?—Sixteen years.

437. You have, I believe, had occasion, both as an individual and officially, to become acquainted with the evils which result to individuals and the public, from the great extent of Crown land which has become private property, and yet remains in a wild state?—I have.

438. Be so good as to describe them?—It has most decidedly prevented the settlement of emigrants in many instances. It has rendered persons already settled extremely discontented, from the difficulty of obtaining the necessary internal communications. In some instances settlers of many years standing are obliged to cross the line of the American frontier, and by a circuitous route, through the State of Vermont, to obtain access to other places within the province which they may have occasion to visit.

439. They go round by the State of Vermont, in order to make use of the American roads?—

roads?—They do, not having any of their own. The vicinity of the forest is also very injurious to settlers by harbouring wild beasts, and making it impossible for them to keep sheep in particular.

440. But the main objection to the quantity of private land remaining wild, is the impediment which it places in the way of making roads?—Decidedly.

441. The quantity of land in this situation is very great?—It is very great; the evil is felt more or less almost throughout the province; as well in the seigniories as in the townships, but particularly in the vicinity of new settlements.

442. The seigniors hold a quantity of land, which remains wild?—A very general subject of complaint against the seigniors is the difficulty of obtaining further concessions of the wild seigniorial lands upon reasonable terms.

443. And some of them, under the Canada Tenures Act, have commuted their seigniorial tenure into free and common socage, whereby, as to the conceded part of their seigniories, they have escaped their seigniorial obligation of conceding lands upon certain known conditions?—They have.

444. Do you consider the adoption of some remedy for the evils in question as essential to the settlement and improvement of the province?—I do consider the adoption of some remedy very essential; and I think the successful operation of any measure for the introduction of emigrants into the province will mainly depend upon the removal of these evils.

445. Has any remedy suggested itself to your mind?—A tax upon wild lands has occurred to me as likely to accomplish, or at least to promote, this object.

446. Do you mean an acreable tax?—Yes, a tax of so much per acre.

447. To be levied for all land held in a wild state?—Yes, except a moderate quantity which might be appended to each farm, and might remain as forest for firewood, and other purposes. And in case of non-payment of the tax, a sufficient quantity of the land should be sold or resumed at a settled value by the Government.

448. Do you not imagine that such a tax would be very unpopular with the holders of wild lands?—I think it not improbable that it would be unpopular with many holders of wild lands; but I think it would ultimately be beneficial to them, by increasing the value of their remaining lands to a much greater extent than the whole block would ever arrive at, if they continued solely to depend upon the reluctant improvement of the poor neighbouring settlers.

449. Then perhaps you suppose the proceeds of the tax to be expended in the improvement of the country?—Decidedly; the judicious application of the funds thus raised, in the opening of roads, would benefit the new settlements to a greater extent than any other measure that at present occurs to me.

450. Would it not also be some justification of such a tax that the conditions upon which a great part of the land, now wild, had been granted, had not been performed by the grantors?—Undoubtedly it would.

451. And that, speaking in the legal sense only, the Government has a right to resume such lands?—In a legal sense, I presume that the Government could resume these lands.

452. Would it not be necessary, in order to levy such a tax, that a fresh survey should be made, to ascertain what is, and what is not Crown property?—An accurate survey of the whole of the ungranted lands in the province I believe to be extremely desirable and necessary to quiet doubts that have arisen in the minds of many new settlers as to the correctness of their present boundaries.

*Robert Christie, Esq., of Cross Point, Ristigouche.*

453. You have resided for some time in the district of Gaspé?—I have resided there since 1831, inclusively, and had a previous acquaintance with the country from having visited it on public business for several years previously.

454. Are you acquainted with the system of granting land, by the Crown, which has been pursued in that district?—I believe that no lands have as yet been patented in that district; many people there have, however, obtained titles to lands therein by virtue of an Act of the Provincial Legislature, 59 Geo. 3, c. 3.

455. What was the object of this Act?—The object was to secure the inhabitants of the district of Gaspé in the enjoyment of their lands. Under this Act individuals who, without any title, had occupied and improved lands there, obtained adjudications, as they were termed, of their lands, under which they now have an absolute property in them. Since that Act some persons have purchased land from the Crown, but have not yet received any title to it, although it is now six or seven years since some of the purchases were made. I do not, however, know whether this has arisen from their not having paid the purchase-money, or from any other cause.

456. There are not, I suppose, any large proprietors of land in the district?—No; that is, not of more than from 1,500 acres to 2,500 acres, and very few of those.

457. What proportion of the district of Gaspé is seigniorial land?—I believe a very small proportion. In that part of the country with which I am acquainted there are only the seigniories of Pabos and Grand River; each, I believe, two leagues in front by two leagues in depth, and the seignior of the Lake Matapédiac, comprehending the lake, and a league in depth all round it. There are also, I believe, some seigniories on the St. Lawrence, but they are mostly unsettled.

458. So that nearly the whole of the land in the district of Gaspé remains yet to be granted by the Crown?—It does, with the exception of the front; which, I believe, is nearly all

*Evidence.*

*Hon. D. Daly.*

*R. Christie, Esq.*

## Evidence.

R. Christie, Esq.

all occupied; but by far the most valuable land lies, as I am credibly informed, in the rear of the occupied lots.

459. Has there not been a large sale of land in the district of Gaspé, amounting to nearly 100,000 acres, which has excited some complaint?—There was such a sale about a year and a half ago; but the prompt manner in which the Government annulled the sale has given universal satisfaction.

460. Upon what ground was this sale annulled by the Government?—It was annulled, as I understood it, because the sale had been made by the Crown-lands agent without sufficient authority, and in contravention of the Royal instructions. The notice of the sale was not published in the Gazette, or in any other paper; and, in the next place, I have reason to believe, that it was not sufficiently published; or, at least, sufficiently known (for I presume publicity of intended Government sales of land to be the purpose of publication) in the neighbourhood where the sale took place. A gentleman in the immediate neighbourhood, concerned in the lumber trade, no longer than three weeks ago, declared to me that although he was concerned in the lumbering on those grounds, and resided within seven or eight leagues of the tract in question, he had no knowledge of the sale whatever until after it was over; when, for the first time, he learnt it, to his great surprise and annoyance, from one of the purchasers.

461. Had it been the practice previously to advertise the sales of Crown lands, in the district of Gaspé, in the public Gazette?—No, it had not been the practice; but none, however, but small detached lots, to accommodate actual occupants, had, I believe, been previously disposed of by sale in that district, and but very few of these. But this however, I humbly conceive, would not justify the putting up, in the same manner, so large a tract as 80,000 acres. I might mention that a large tract, I believe 60,000 acres, or thereabouts, of the land in question, was, very shortly after the purchase from the agent, published for sale in New York, by publication in a pamphlet shape, extolling those lands, and with reason, as of a superior description; the whole accompanied, as I have been reputably informed, by a lithographic diagram, before any thing of the kind could be had in the proper offices in Quebec. This latter part of my statement I can vouch for, having myself called at those offices, and requested a sight of the original diagram from which the lithograph was taken; when, to my astonishment, I learnt that nothing of the kind was to be seen or found in the offices; I allude to the Surveyor-general's and Crown-lands offices.

462. Were the purchasers residents in the district, or strangers?—They were not resident in the district, but strangers to it; and, I believe, the whole tract, or nearly so, fell into two hands, although a few other names may possibly appear on the returns.

463. Were the purchasers, from their character and occupation, persons who might be expected to know the nature of the regulations for disposing of Crown lands, and whether those regulations had been violated in this particular instance?—I think they could not but have known those regulations from the circumstance, that Crown lands in this and the adjacent Province were (unless in the instances I have mentioned, of their being sold to accommodate actual occupants, in small quantities and by lots) invariably published in the official, and sometimes other papers, before sale.

464. You have stated that the resolution of Government to annul the sale, produced universal satisfaction; would the confirmation of that sale then have produced any inconvenience to the inhabitants of the district?—Decidedly. It would have thrown a large tract of country, highly susceptible of agriculture, and capable of receiving 500 poor families, into two hands; and I think that this tract comprehends one of the finest portions of land in the whole district of Gaspé, possibly in Lower Canada. It is well watered, and every way adapted to immediate settlement, particularly by the poorer class of settlers; who, if located there, would find themselves in the immediate vicinity of the fisheries, which would at once afford them immediate resources for subsistence and furnish them with a permanent and profitable market for their produce hereafter; with reference to this tract of 80,000 acres, I have heard it asserted, upon what I should deem good authority, that if the lumbering business, that is to say, the cutting and felling of pine and hardwood for exportation, were carried on upon it to any considerable extent for three or four years, the purchasers would, in timber duties alone, save more than the purchase-money they were to pay upon it. In other words, that the Government, independently of the monopoly of those lands and the timber on them, by two or three individuals or concerns, and the mischief thence arising to the public, was giving them totally away for a sum less than the timber duties would amount to in four years; and, that in all probability, the latter would sooner find their way into the public chest than the last instalments of some of the purchasers, though I pretend not to say how true this may be; but, I believe, the sale of these lands has shaken the confidence of some of those who were cutting there under Crown licenses, and that people are still apprehensive that these lands will, by some means or other, surreptitiously become private property.

465. What are the general capabilities of the district of Gaspé for supporting an agricultural population?—As great as any part of the district of Quebec. Its climate is nearly the same, but its soil is generally superior. At the present time, however, its capabilities have not a fair chance of development, for want of roads; if the Kempt road, from Mitis to the Ristigouche, and from thence to Carleton, were completely opened, and made practicable for carriages, I have no doubt that the whole line would be settled in less than three years. Another great obstacle in the way of the progress of this country is, the difficulty of obtaining titles, or any satisfactory pledge that the persons who improve lots will be secure in their improvements. I know at the present time many individuals living in my own immediate neighbourhood, who would be glad to purchase Crown lands for immediate settlement,

Evidence.

R. Christie, Esq.

settlement, if they could at once procure a title or satisfactory pledge to the land they might select. In some cases, owing to the difficulty which is now experienced, as just mentioned, individuals, at their own risk, are improving lands, in the expectation of getting a title, on paying for them, though they are anxious lest they should be compelled to pay for their own improvements. This state of things produces a degree of uneasiness which it is very desirable should be prevented. It is, perhaps, difficult for an individual thus circumstanced not to feel some concern as to his future situation; nothing, I conceive, tends more to confirm a people in their loyalty (if I may touch upon this chapter) than a security in their title to the land they occupy and have improved. The easy acquisition, too, of a title would be no small inducement to emigration.

466. Suppose an emigrant from England should arrive in the district of Gaspé with a capital of 1,000 *l.*, desirous of investing a portion of it in the purchase of land from the Crown, and the remainder of it in improving the land, what course would he pursue in order to obtain a grant?—He would be exceedingly embarrassed how to proceed to obtain an immediate title; I do not know how he ought to go to work to obtain it; nor is there, in my belief, a single individual in the district of Gaspé who could give him the requisite information; nor am I aware that under the existing system it is practicable.

467. Is there any Crown lands office in the district of Gaspé?—There is a Crown lands agent.

468. Are there any annual sales?—Not that I am aware of.

469. Are there any means of obtaining a legal grant in the district?—Not that I am aware of.

470. What are the duties performed by the Crown lands officer in the district?—His duty is, as I understand it, to dispose of the Crown lands when so authorized by the Government of his department, and to look after the Crown dues on timber cut under licenses from the Crown.

471. How do you reconcile that part of the last answer which relates to land, with the answer to the previous question?—That I must leave to Her Majesty's Government, or to the Crown land agent himself. But the apparent discrepancy may be thus explained; there are no means of obtaining a grant in the district, the grant must be obtained in Quebec; an emigrant may purchase there, but he cannot, even there, always obtain the lot he would choose, for he must be content to purchase one of those put up for sale; and the sales according to the existing system, only, I believe, take place periodically, by order from Quebec, and of lands previously surveyed and published for sale. If an emigrant could, on going to a certain Crown lands office, inspect a diagram of lands in any given part of the country, make his selection, and on paying for his lot, obtain an immediate title, I think it would induce hundreds of settlers to remain in the country, who leave it in disappointment and disgust, taking with them their capital, and industry, more valuable than capital, to enrich the neighbouring States.

Henry Le Mesurier, Esq.

472. WHAT have been your opportunities of observing the operation of the system which has been pursued in the disposal of land in this province?—I have resided in the province since the year 1814, and for eight years I have resided in a country district; I am myself a large owner of wild land in the townships, and have two settled farms there, and, from having a commercial establishment in Granby, have very frequently visited that part of the country.

473. You have naturally been led to notice the effects which have been produced upon the settlement and improvement of the country, by the existence of large tracts of land, which have become private property, and are still in a perfectly wild state; what, in your opinion, would be the fitting remedy for the evils thus occasioned?—The opening of roads and communications throughout the country, which might easily be effected by a tax upon lands. A great part of the evils to which the question refers, have been caused by the land being in the possession of absentees, who have done nothing towards the improvement of the roads, or opening the country.

474. Then you are favourable to a general wild land tax?—Decidedly; as the only means of bringing that part of the country into cultivation, but not upon an uniform scale.

475. What is the nature of your objection to an uniform scale of taxation in this case?—The difference in the value of wild lands. In some partially settled townships, these lands may be worth from two to four dollars an acre, whilst in others, altogether in a wild state, the value may not exceed 2 *s.*

476. Does this difference of value arise from a difference in the fertility of the soil, or from the greater value given in some cases by the proximity of settlement?—Altogether from the greater value given by the proximity of settlement.

477. Upon what scale, then, would you propose that the tax should be levied?—I would propose that the whole of the townships should be valued, and that a scale of taxation, in proportion to that value, should be levied in each township.

478. But supposing that the whole produce of the tax were applied for the general improvement of the country, by the opening of roads, &c., would not the owners of the land, which is now, as you say, least valuable, derive, probably, more proportionate advantage from its application than those whose land, being near to the settled districts, possesses already a considerable value; and would not this counterbalance the seeming injustice of laying on an uniform tax upon lands of different value?—I think not; I think that the partially settled

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townships



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H. La Motte, Esq.

townships will derive a greater proportionate advantage than the distant townships from the application of the tax, as new settlers will always give a preference to the neighbourhood of other settlements, and of a market. I would, however, propose that the valuation which I have suggested as the basis of the tax, should be renewed every three years, to provide against any unfairness arising from alteration in the value of the lands. I should recommend that the townships should be classed according to the value of land in them, and should be taxed in classes, that set of townships paying the highest tax, in which land was of the greatest value, and so on.

James Bell Forsyth, Esq.

J. B. Forsyth, Esq.

479. How long have you resided in this country?—I was born in Upper Canada, and except having been educated in England, have always resided in these Provinces.

480. You have been led, I believe, to pay attention to the subject of emigration from Britain, especially with respect to the poorer class of emigrants?—I have.

481. Emigration of this description appears hitherto to have been attended with many evils, but to have been improved of late years?—It has been improved with respect to the destitute sick, and to the totally destitute, by means of the Emigrant Society, and the fund raised by the emigrant tax; but with regard to the main body of emigrants, the evil results of a total want of system are as conspicuous as ever.

482. Will you be so good as to specify what you consider the defects of the present mode of proceeding?—The great evils that have hitherto existed have arisen from the want of system, and especially from the want of all adequate means of information, advice, and guardianship. This want of information necessarily gives a vagrant character to their movements. Unable to obtain information as to the best mode of proceeding in this province, they move onward to Toronto, and find the same want there; they become disgusted, and leave the province in large numbers, to become citizens of the American Union.

483. In what proportion do you suppose (not asking you to speak with precision) do emigrants from Britain proceed to the United States?—My observation on the subject has led me to estimate this amount at 60 in the 100 during the last few years; but it should be observed, that a great number of emigrants, intending to settle in the States, come by way of the St. Lawrence, in consequence of the greater cheapness of the passage, arising from the operation of the lumber trade, which brings out so many large vessels in ballast. The ordinary price of a steerage passage to New York is from 8*l.* to 10*l.*, while the same passage from England to Quebec costs from 2*l.* 10*s.* to 4*l.*

484. You mean by the want of information, advice, and guardianship, that the emigrants are left to shift for themselves in a strange country, respecting which they know next to nothing?—Yes; they have no person to apply to but the government agent for emigrants, who, however willing he may be to afford them information, has not (from want of adequate means) his office upon that extensive scale upon which it ought to be placed, in order to be commensurate with the wants of the emigrants.

485. What are the means by which, as you suppose, emigration of the poorer classes might be conducted with the greatest advantage to themselves and this Province?—My idea is, that there should be a board of management in England, and a corresponding board here, acting with unity of purpose. Each board having its separate agencies, the one for the purpose of promoting the emigration of the most suitable class from England, and superintending the arrangements for their passage, and their being landed here in good health and spirits; and the other for the purpose of carefully distributing them through the Provinces, in the manner most conducive to their advantage. One duty of the board here should be to supply the board at home with accurate information as to the state of the labour market here, and the class of persons whose labours was most in demand. It would be highly desirable that the whole of the emigration should be under the superintendence and authority of the two boards, whether the emigrants paid their own passage or not, as it would otherwise be impossible to establish the requisite discipline. Besides that, the captains would be under more control than it is possible to establish over them by any Passengers Act, not having any especial board appointed to enforce its provisions. I consider that the emigrant should be under the guardianship of the board here for 12 months after his arrival, or until he has obtained sufficient experience of the country to shift for himself. Poor emigrants coming to this country should, for their own sakes, be considered in the light of children, not to be spoiled by over care, but to be judiciously aided and supported during the necessary period of their helplessness, which would scarcely ever exceed 12 months. A good deal would depend upon the selection of persons of industrious and prudent habits; and it has occurred to me that an efficient mode of proceeding would be that the board at home, through the heads of different religious denominations, should induce young clergymen to enlist, as it were, a body of emigrants, to accompany them to this country as their guide and pastor, and to establish himself in the midst of them here upon a tract previously prepared for their reception, with provision for the decent maintenance of the minister, and for public worship. I am inclined to think that by this means, in nine cases out of ten, the emigrants would be fixed upon the land instead of quitting their settlements, as now commonly happens, because they are really in the wilderness without any social ties. The provision for the clergyman should depend upon his bringing out a certain number of families (I should be disposed to say from 150 to 200 families), and the provision would consist partly of a money payment of from 100*l.* to 150*l.* per annum, and partly of an endowment of 200 acres as glebe land. I presume each body of emigrants to have been brought out at the public expense, and would make that expense a charge upon

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J. B. Forsyth, Esq.

upon the and assigned to them. The Government should not give these lands to the emigrants, and I also presume that the price would be made payable by eight or ten annual instalments, with interest, the whole amount ultimately raised being sufficient to cover the entire cost of the settlement, including the expense of the passage from England, and of the religious provision. I should also suggest, that if Government is at all afraid of the expense, I should imagine that English capitalists would be willing to purchase the obligations of the settler at a reduction of from 25 to 35 per cent., which would thus repay the Government the whole expense of their outlay, and enable them to repeat the same process over and over again. The security of the purchasers of these obligations would be the land itself, which would not become the absolute property of the settler until the whole amount was paid.

485\*. The principle of this plan, as I understand it, is, that the Crown revenue derived from sales of land should be made a security for loans, of which the produce should be employed for the purpose of emigration and settlement, including religious provision?—That is the principle: but my plan contemplates an absolute disposal of the obligations at whatever they would bring, instead of a loan.

486. What price do you think should be required for the land under the proposed system?—I think 10s. should be the minimum, and that the emigrant would be better able to pay this than 5s. cash; or there might be two prices, one for ready money, and one for payment by instalments.

487. Would it not be necessary in that case that the minimum price of all Crown lands should be raised to the same amount?—I think so. Under such a system some of the lands could not be sold at first, but they would as, in time, land became more scarce and valuable.

Mr. Patrick Daly, Commissioned Surveyor of the Province of Lower Canada.

488. You are just come to Quebec to make a representation as to the state of the township of Durham?—I am. Mr. Patrick Daly.

489. What is the point which you wish to ascertain?—Whether I can have authority to establish a new line between the 6th and 7th ranges of the township of Durham.

490. What would be the consequence of such a change?—In consequence of a part of the old range line being found incorrect to the extent of 60 perches, whereby the 7th would lose about one-fifth of its dimensions, and the same amount would be improperly added to the 6th. The change I wish to make would set this right.

491. How did you discover that the line was incorrect?—In consequence of having been employed by Captain Poyart, of Durham, to run the side lines of Lot No. 15, in the 6th range, in order to determine the extent of his property, he being the proprietor of that lot, I discovered that the line was incorrect, as I have described already, and I cannot proceed to rectify the error without authority from the Governor, or some person appointed by the Governor, as we have not any laws in the province to enable me to make a new range line, and as the old range line is not to be found, with the exception of a small part, which is in the wrong place, as I have described.

492. Would a new line have the effect of taking away land, in actual possession, from any person and giving it to another?—Yes, it would.

493. Do you suppose that other range lines in this township are correct, or incorrect?—Some are correct, but they are generally incorrect; my attention, however, has not been particularly called to them.

494. Are not the proprietors of the other lots in which the lines are incorrect anxious to have the limits of their property settled?—Yes, very anxious, more particularly the inhabitants of the 3d range, about one-quarter of whose property is taken by the inhabitants of the 2d range, through the means of an erroneous old range line, as has been proved by various subsequent surveys duly sworn to. I am requested by all the inhabitants of the 3d range to take steps to obtain a new range line.

495. Have they ever applied before for this ratification of the survey?—Yes, they applied to the Surveyor-general's department, by a statement made by me and now in the Surveyor-general's office; but the answer was, that there was no law in the Province to authorize the changing of a range line, however incorrect, without the consent of all the parties concerned.

496. Then all the parties did not concur in this case?—No, they did not.

497. Why not?—Because many of those who improperly gained by the error, wished to retain what rightly belonged to their neighbour.

498. As the former application was fruitless, upon what ground do you now proceed?—Upon the confidence that, as Lord Durham has greater powers than other governors, he may be pleased to consider this great loss of property to the people, and give orders to correct the evil.

499. Are you acquainted with other townships?—Yes.

500. Have you found the surveys of them generally correct or incorrect?—I have found the surveys of the township of Windsor as incorrect, or even more so, than that of the township of Durham; which can be proved by the most reliable testimony. Generally, with the exception of the township of Wickham, I have found them quite incorrect. I speak only from my personal experience and not from what I have heard.

## Evidence.

Mr. J. Keough.

Mr. James Keough, Miller and Magistrate, from the district of Quebec, and Commissioner of the Summary Court for the Township of Ireland.

501. You have had many opportunities of observing the state of the townships?—I have resided for seven years in the township of Ireland, and have had considerable experience.

502. Are there not great difficulties in the way of the settlement and improvement of the county of Megantic in consequence of the state of the roads?—Yes, there are.

503. To what circumstances do you attribute the deficiency of the roads and their bad state of repair?—The first cause is the neglect of the grand voyer in performing his duty in visiting that part of the country, and the consequent neglect of the road surveyors; the next is, the great number of lots of land owned by absentee proprietors upon the principal roads, and the difficulty, owing to the deficiency of the present road law, in compelling these absentee proprietors to contribute to repairs of the roads.

504. What is the nature of the deficiency in the road law to which you allude?—When proprietors of land do not reside upon their property there is no means of making the land contribute to the expense of repairing roads, except by proceedings in the Court of King's Bench at Quebec, to obtain power to sell the lands; and now this cannot be done until the road overseer has expended 10*l.* in repair of that portion of the road which belongs to that lot, which they are always unable to do, as it might take 10 years before the money laid out in respect of any particular lot amounted to this sum, and during the whole of that time the individual would be laying out of his money.

505. Have there been any instances in which absentee proprietors have contributed to the expense of roads passing by their property?—I have not known of any; whenever applications have been made to them on the subject, the invariable answer has been, that if the people want roads they must pay for them.

The Honourable Jonathan Sewell, Chief Justice of the Province of Lower Canada.

Hon. J. Sewell.

506. You have been a resident in this Province for a considerable number of years?—For nearly 49 years.

507. During that time, you have probably had many opportunities of seeing the effect produced upon the state of the Province by the large tracts of land granted by the Crown, and allowed to remain in a wild state?—I have.

508. Have you considered to what extent the injurious effects, resulting from this amount of wild appropriated land, might be remedied by the imposition of a general tax upon all wild land?—Such a tax, would in the first place, be virtually a quit-rent. If laid, it must be either of a burdensome description, in order to produce a pressure upon the proprietor, and thereby force him to cultivate or settle his land, or of a small amount, in which latter case, it would produce the same effects that the quit-rents have formerly produced, and, like them, would be ultimately abandoned. If it were of the former description,—as it appears to me that the neglect to cultivate on the part of the owner of land has been produced as much by the conduct of the Government itself, by having persisted in grants according to the chequered diagram, notwithstanding the representation made by the Governor in Council against that system to Lord Castlereagh, as by the default of the proprietor,—it may be considered a tax that ought not in justice to be laid on the proprietors. The greatest injury to the settlement of the country, produced by the non-cultivation by the proprietor, is the want of roads, which they could not make without taking upon themselves the burden and expense of making roads, not only through their own lots, but also through the Crown and clergy reserves.

509. Would not this objection be removed, if the Crown and the clergy were compelled to contribute towards the expense of roads in equal proportions?—I think it would, provided a course were adopted for laying out the roads in the first instance by the intervention of the grand juries of the county, with the concurrence of the justices of the quarter sessions, and an assessment were then made with due notice to the proprietors whose lands are assessed, and an equity of redemption allowed in cases of sale during one year after the sale had taken place, upon payment of the purchase-money with interest, and any further sums which may be required to make up the amount of the assessment.

510. As the want of roads is not the only injury which these wild lands inflict upon the settled districts of the province, do you see any objection to a tax which should be imposed for the purpose of compelling the proprietors of wild lands to settle and cultivate their property?—I see no objection to an occasional tax, by way of assessment, upon the lands of all proprietors, for roads, bridges and other county purposes, in the manner before mentioned.

511. The question however is, whether in your opinion there are any objections to a tax upon all wild lands, not merely for the purpose of making roads, bridges, &c., but for the sake of rendering it the interest of the proprietor to cultivate or settle his land?—I beg leave to refer to what I have said before, in answer to a former question: and to add that a general tax, in my opinion, would rather impede in its effects the settlement of the Province than promote it, and that the object proposed by such a tax may with greater certainty be obtained by assessment in the manner I have proposed, as occasion should require, and, for the reasons I have stated, with greater justice.

512. Then your objection is to a general tax imposed by Government, and you would approve of local assessments by the inhabitants of a township or county, for the accomplishment

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ment of local objects?—I should approve of assessments by grand juries in the manner I have stated.

513. If the grand juries should refuse to make roads, would you see any objection to allowing a power to the Government to take the necessary means for the purpose?—It would of course be in the power of the Legislature to provide such means as they might see proper if the grand jury refused. My objection is not, as I have said before, to taxation for county purposes, but to the means proposed for raising it, by a general tax; conceiving, as I do, that the assessment is equally effectual and more fair. I should object to laying a land-tax upon any man's land for purposes which are not yet defined. My objections to such a tax, in brief, are: 1st, that for the reason I have stated it would bear hard upon the proprietors; 2d, it would impede the settlement of the Province, as it would be equivalent to a quit-rent, and produce the same consequences; 3d, by assessment labour would always be effectually procured, to the great advantage of the new settlers, who have very little specie indeed for the payment of taxes.

513\*. Within what limits, as to extent of land, would you propose that the power of local assessment should be confined?—Within the jurisdiction of each court of quarter session.

514. In whom would you place the power of assessment?—In the grand jury, with the concurrence of the court of quarter sessions.

515. Of what class do the grand juries and the court of quarter sessions consist?—The court of quarter sessions consists of magistrates, appointed for the district by the Crown; and the grand juries, of the better classes of the settlers.

515\*. You would then make it optional with the grand jurors and the magistrates to lay an assessment, or not, as they should please?—I would.

516. Would it not happen that the grand jurors and magistrates might be large proprietors of wild land?—It is very possible that some might be, but the large proprietors would be as competent judges of the advantages to be derived from any road to themselves and to others as those of minor estate.

517. Is it not a general complaint that the large proprietors have neglected to take any steps for the making of roads, &c.?—It is; but I cannot say deservedly, as I have stated before, and I say this because the perseverance in the chequered diagram, by the orders of the Home Government, has been the principal cause of the want of roads.

518. Are you acquainted with the system of leaders and associates?—I am aware that traders had associates.

519. Do you think that the mode of granting by the chequered diagram has conduced more to the want of roads than the system of leaders and associates?—I think it has as much.

520. Will you be so good as to explain in what way you think it has had as much effect in preventing the formation of roads?—By the want of means to make roads through the Crown and clergy reserves; which, consequently, left the burden of making roads through those lots upon the proprietors, in addition to their own.

521. That is only a repetition of your former statement, and takes no notice of the evil produced by enormous grants to individuals under the system of leaders and associates. Do you consider the evils of these large grants as less than those arising from the chequered diagram system?—Probably it is not less, but I really cannot say: I have no knowledge of the course that has been pursued by the leaders and the associates, as I am not myself a grantee of the Crown for any land whatever, except what I hold by purchase from the Crown.

522. I wish to explain, that the tax which is submitted to your opinion would not be like a local assessment for any specific purpose, such as that of making a road, but would be in the nature of a fine, for the purpose of abolishing a nuisance of large tracts of land remaining in a wild state, because they have been placed by free grant out of the control of the Government, and are totally neglected by their absentee proprietors. It is in that light that I respectfully request of you to state your opinion of the tax, the Commissioners having been informed that you had strong objections to such a tax, and being desirous that all the objections to the tax should be reported to the Crown, as coming from a gentleman of your known experience and ability?—The objection that I have to a general tax, I have endeavoured to explain: if it were to operate as a fine, I do not see that they would be altered. A fine is a penalty for some individual misconduct, but a general tax, if a fine, would operate as a general punishment, instead of being confined to those whose misconduct may have merited it.

523. Has your attention been at all turned to the state of the surveys in this Province, and of defects in titles to property, in consequence of errors in the surveys?—I have known of many defects in the surveys which have appeared in many cases before me, and am apprehensive that they are very numerous. I can only state, from my own opinion, two remedies by which these defects may in some degree be remedied; the one is by running anew the outlines of the several townships, the other an Act to quiet possession, such as has been heretofore passed in other provinces. I am afraid that running the outlines of the townships would not be of any great benefit beyond exposing the errors.

Evidence.

Hon. J. Sewell.



## Evidence.

Rev. E. W. Sewell.

Rev. Edmund Willoughby Sewell, Minister of the Chapel of the Holy Trinity in Quebec, and a Member of the Corporation for managing the Clergy Reserves.

524. WHEN was the corporation for managing the clergy reserves originally created?—I believe in or about the year 1818; but I have not the letters patent to refer to at present.

525-6. What are the general duties of that corporation?—To lease the lands reserved for the support of the Protestant clergy, to collect the rents, and generally to perform all the duties annexed to the management of land.

527. Of what do the clergy reserves in this Province consist?—They consist of one-seventh of the conceded lands of the Province, exclusive of the seigniories.

528. It has been suggested to the Commissioners, that, under the terms of the Act 31 Geo. 3, generally known as the Constitutional Act, under which these reserves were authorized, the clergy reserves ought to be equal to one-seventh of the land granted, and therefore one-eighth of the whole land comprised, for instance, in a township, instead of one-seventh of the whole land comprised in such township, as appears to have been the practice; will you therefore be kind enough to state what opinion you have formed on the subject?—I am of the opinion that it is to be one-seventh of every township.

529. The words of the Act are, "that whenever any grant of land shall be made, there shall at the same time be made, in respect of the same, a proportionate allotment and appropriation of lands, for the support of a Protestant clergy within the township or parish to which the lands granted shall appertain, and that the lands so allotted and appropriated shall be equal in value to the seventh of the land so granted." Supposing that, for instance, seven-eighths of a township should have been granted, would not the remaining eighth (supposing the lands to be of equal value) be equal to a reserve of one-seventh of such grant?—I should say so; but I conceive that the intention of the framers of the Act was to grant one entire seventh of each township to the clergy.

530. But the practice I believe has been to appropriate one-seventh of the whole township as a clergy reserve?—I understand so.

531. A considerable portion of the lands reserved for the clergy have been sold under the authority of an Act of the Imperial Parliament; what has been the character of the sales thus made?—A great deal of the property has been sacrificed, particularly in the case of the lands that were under lease at the time.

532. The value of the property under the management of the corporation then has been materially diminished by these sales?—Yes, certainly.

533. Can you judge to what extent?—I cannot state positively; but I find, by a memorial addressed by the corporation to Lord Goderich, in 1832, that, in the case of 25 selected lots, the average price at which they were sold by the Commissioner of Crown Lands amounted to 6s. 11d. per acre, while their estimated average value was 18s. 6d. per acre. These however were probably selected as the most striking instances, and may not form a fair example of the whole.

534. These sales were made, I presume, on the authority of the Commissioner of Crown Lands; had the corporation no power to interfere in the matter?—They could only remonstrate; and they made several remonstrances, but without effect.

535. So that, in fact, the property designed for the support of the clergy would appear to have been squandered away?—Undoubtedly.

536. Are you aware that great complaints have been made as to the injurious effect of clergy reserves in impeding the settlement and improvement of the Province, by interposing tracts of wild land in the midst of the settled districts?—I am aware that such has been the case, but I do not think that such complaints are well founded to the extent represented. I think they have sprung more from a desire to injure the Church, than from the evil produced by the reserves; and I think that if the corporation had not been checked in their measures for leasing these reserves, the evil, such as it is, would not have been so great as it is represented to be.

537. But, as these complaints exist, might it not be more advantageous for the clergy that, instead of a reserve of land, they should be entitled to a portion of the future sales of Crown lands, equal to the proportion of land to which they are now entitled?—I do not consider that such an alteration in the present system would be for the advantage of the Church; but I must be understood in this case as only expressing an individual opinion.

Alexander Carlisle Buchanan, Esq., Chief Agent for Emigrants in Upper and Lower Canada.

A. C. Buchanan,  
Esq.

538. How long have you held your present office?—Since November 1835 I have been acting agent, and have received the appointment of agent in April last, as successor to my uncle, who held it from the commencement of the appointment in the year 1828.

539. The office was created, was it not, in consequence of the recommendation of a Committee of the House of Commons?—Yes, it was.

540. What are the duties of the office?—To furnish correct information to emigrants as to the best place of obtaining settlement, and employment for those who are in want.

541. How is this done?—I have printed instructions distributed at Grosse Isle, and on board the vessels here on their arrival in the harbour. The instructions are for the purpose of preventing imposition upon the emigrants on their arrival, and to acquaint them with the protection which the law affords them, and also with the several routes to the different settlements.

settlements of the two Provinces, where they would be likely to obtain land and employment. My duty is also to correspond with the heads and managers of public works and improvements going on in either Province, and to obtain from them a correct estimate of the number of labourers and artisans they may require.

542. Do you furnish any authority at home with regular information as to the demand for labour in these Provinces?—My uncle used to correspond directly with Mr. Hay and Mr. Wilnot Horton, who were then in the Colonial-office; and the annual report, which is made up at the close of the season, and given in to the Governor-in-chief, is sent to the Colonial Secretary, for the information of Her Majesty's Government, and printed by order of the House of Commons.

543. Does that annual report contain an account of the state of the demand for labour in the colony during the past year?—Yes; it states where the greatest demand for labour has been during the past season, and the prospect for the ensuing season.

544. Does it give particulars as to the amount of wages?—Some years it does, others it does not; this generally appears in an appendix, consisting of copies of the weekly reports made to the Governor-in-chief.

545. Have you a regularly-established correspondence with the different districts of the Province, for the purpose of giving information as to the state of the demand for labour?—Yes, with the different agents established in the Upper Province. There are no other agents than myself in the Lower Province; but I have correspondents in the eastern townships, the place where the principal demand for labour exists.

546. Correspondence with an agent?—With Mr. Webster, the Sub-Commissioner of the British North American Land Company, as the person upon whom most reliance could be placed for the distribution of the funds remitted by the parishes for the benefit of the pauper emigrants.

547. Does your office contain copies of the correspondence upon this subject?—Yes; but almost every letter of consequence is contained in the Appendix to the Reports of 1835 and 1836.

548. Does your office act under instructions from the Colonial department at home?—Yes, under instructions from Lord Goderich to Sir John Colborne, and transmitted to Mr. Buchanan by Lord Aylmer.

549. Have you any direct correspondence with the Government at home?—I have never since my appointment corresponded directly with any officer of the Government at home.

550. Is there any officer of the Government at home with whom, in case of necessity, you could correspond directly?—The office has corresponded with Mr. Pinnock upon the subject of some pauper emigrants who were forwarded under his immediate superintendence; and I understand that Mr. Elliott has been appointed Agent-general for Emigration. I have had no communication from him, but have addressed a letter to him, requesting any instructions that he might think proper to communicate for my guidance.

551. Are there any funds at the disposal of your office?—Not any; the fund raised by the emigrant tax is expended by the Emigrant Society.

552. How many persons does your office employ, and what are the salaries?—The following is the list of salaries and allowances for this office, but there is at present no assistant agent. Previous to Mr. Buchanan, chief agent, being obliged to leave this country for the benefit of his health, in 1836, I filled the office of assistant agent, and resided at Montreal.

#### Allowances to Emigrant Department:

Chief Agent's salary	- - - - -	£. 400	- - per annum.
Assistant Agent	- - - - -	100	- -
Clerk	- - - - -	40	- -
Boat-hire and watermen boarding vessels	- - - - -	25	- -
Office rent	- - - - -	30	- -
Stationery	- - - - -	10	- -
Printing	- - - - -	12	- -
Postages	- - - - -	10	- -
Travelling expenses	- - - - -	50	- -

553. Does this account include Upper Canada?—No, it does not.

554. Referring to the instructions which you have mentioned as regulating the proceedings of your office, do they contain any specific directions as to the duties which you have to perform?—I conceive that they do not; in fact, they were not addressed to my office at all. I suppose that they were transmitted to my predecessor, in order that he might be acquainted with the views of the Home Government on the subject.

555. Have there then been no specific instructions for the guidance of the agent for emigrants from the time of the creation of the office till the present moment?—There may have been, but I am not aware of any. I have myself followed the routine that I found established. I had proposed to have enclosed to Lord Durham a copy of the despatch from Lord Goderich, with a request that I might be favoured with such instructions as he might please to direct.

556. Then you are not aware whether your predecessor was guided by any instructions in his view of the nature and limit of the duties of his office, or whether he acted entirely upon his own judgment?—I am not aware that he had any instructions. In all cases that he found any difficulty in, he applied to the Governor-in-chief: the office has at all times been in constant communication with the Governor-in-chief upon all subjects upon which any difficulty has arisen.

3.—111.

557. Then

Evidence.

A. C. Buchanan,  
Esq.

## Evidence.

A. C. Buchanan,  
Esq.

557. Then you have no other rule than the routine established by your predecessor, and the will of the Governor, in cases for which there has been no precedent?—That is the case.

558. It appears that you have not any direct official communication as to the administration of your office, except with the Governor of this Province?—With the Governor of this Province, and also with the Governor of Upper Canada.

559. Upon what subjects have you communicated with the Governor of Upper Canada?—I have generally addressed him in the spring and fall, requesting instructions from him as to the prospect of employment in his Province for the ensuing season, and also to receive any instructions which it may please his Excellency to adopt as regards emigrants proceeding to Upper Canada.

560. Then your communications with the Governor of Upper Canada are, in fact, only of the same nature as those which you might have with an agent for emigrants, and do not, in any manner, concern the general duties of your office?—Yes; but at the time of the establishment of this office there were no agents for emigrants in Upper Canada.

561. Have you any accurate information as to the ultimate fate of the emigrants who arrive at this port?—Not as to their ultimate fate; but at the close of each season I get a return made from the emigrant agents in the Upper Province, as to the number who may have settled in their respective districts. This information is, however, necessarily very general.

Joseph Skeg, Esq., M. D., Deputy Inspector-General of Hospitals.

J. Skeg, Esq. M.D.

562. How long have you resided in this Province?—Since 1829.

563. You are president of the Quebec Emigrant Society, and have been for some years an active member of the committee?—Yes.

564. When was the society instituted?—The existence of the society can be traced imperfectly as far back as the year 1820. In the year 1832 the society was charged with the disbursement of one-fourth part of the funds raised by the Act of 1 Will. 4, c. 17, for the assistance of poor emigrants.

565. With what object was the society instituted?—To supply food, clothing, fuel, and medical assistance to destitute emigrants, and to assist in forwarding them to the Upper Province.

566. Are you aware whether at the time of the formation of the society there were many emigrants in a state of destitution?—I was not in Canada at that time, and have, therefore, no personal knowledge of the fact; but have no doubt that such was the case, inasmuch as the society was formed for the express purpose of relieving the destitute emigrants.

567. As a member of the committee, and president of the society, you have had peculiar means of becoming acquainted with the condition of the poorer class of emigrants to this Province during the last six years?—Yes, I think I may say that I have.

568. Will you be so good as to describe their condition generally; those, I mean, with whom the society was brought into communication?—The emigrants with families, from the south of Ireland in particular, as well as the pauper emigrants from England, those emigrants sent by parishes, in large proportions, arrive in a state of great poverty. I should say that the majority of the voluntary emigrants from England, and from the north of Ireland, do not generally arrive in a state of actual destitution, since they generally possess a little money, unless their families are very large. We have had occasion to remark upon the manner in which pauper emigrants have been sent from England, and to recommend that funds for their location should be furnished by the parishes, and entrusted to authorized agents here for their benefit. The observations apply, in some degree, to pauper English emigrants, but to a far greater degree to those from Ireland, and particularly from the south of Ireland.

569. What has generally been the condition of a pauper emigrant from England upon his arrival in this Province?—Generally either with nothing, or with a very small sum in his pocket, entertaining the most erroneous ideas as to his prospects here, expecting immediate and constant employment at ample wages, entirely ignorant of the nature of the country and of the place where labour is most in demand, and of the best means by which to obtain employment. He has landed from the ship, and from his apathy and want of energy, has loitered about the wharfs, waiting for the offer of employment; or, if he obtained employment, he calculated upon its permanency, and found himself, at the beginning of the winter, when there is little or no employment for labour in this part of the country, discharged, and without any provision for the wants of a Canadian winter. In this way emigrants have often accumulated in Quebec at the end of summers, encumbered it with indigent inhabitants, and formed the most onerous burden on the charitable funds of the community; to a less degree, perhaps, since the tax upon emigrants was levied, and since the Emigrant Society have hastened their progress.

570. Have such emigrants usually been in a healthy state upon their arrival?—Upon their arrival here, I should say, generally, yes, though very often too weak for labour, being in a state of convalescence from some disease; because since 1832 the quarantine establishment at Grosse Ile has arrested the disease there.

571. But I mean upon their arrival in the river?—Upon their arrival in the river a great number of sick have landed; a regular importation of contagious disease into this country has annually taken place.

572. That disease originated of course on board ship?—Oh yes.

573. And

573. And was occasioned by bad management?—I should say so, in consequence of the ships being ill found, ill provisioned, over-crowded, and ill ventilated. This is now in some degree remedied by the present Passengers' Act.

574. Has the mortality during the voyage been great?—I should say that it has been dreadful; to such an extent, that in 1834, the inhabitants of Quebec, taking alarm at the number of shipwrecks, the mortality of the passengers, and the fatal diseases which accumulated at the quarantine establishment at Grosse Isle, and the emigrant hospital of this city, involving the inhabitants of Quebec in the calamity, called upon the Emigrant Society to take the subject into consideration, and make representations to the Government thereon. In point of fact, there has been an annual importation of contagious disease into this city from the emigrant ships, and I believe that I shall be confirmed in that opinion by the best informed of the medical practitioners of this city, to whom I beg leave to refer you for more precise information.

575. Could you state generally what has been the common fate of the emigrants of the class in question leaving a ship at Quebec?—A few remained here; the greater part proceeded up the river, and ultimately, I believe, to the Upper Province, or the United States.

576. Many of them have died here, have they not?—In some years considerable mortality has existed among them, and in 1832 and 1834, the years of epidemic cholera, the mortality was frightful.

577-8. Is there any record by which one could ascertain the fate of poorer emigrants?—I am not aware of any in the Lower Province, but I think it not impossible that such may exist in Upper Canada; we have nothing of the kind here.

579. What have been the proceedings of the society in respect of poorer emigrants?—Up to the year 1832, the charitable and private fund of the society was applied as before stated; more lately that fund has been applied to relieve wants not contemplated by the Provincial Act. That portion of the fund raised under that Act by the tax upon emigrants which has been entrusted to the society has been almost exclusively appropriated to forwarding them up the river to Montreal, or to sending home such of them as disease or accident rendered incapable of supporting themselves, as well as those families who, from the loss of those individuals upon whose labour they depended for support, would have been burdensome to the country. At times, such individuals and families have been assisted with free passages, or with contributions towards free passages, to the neighbouring Provinces, or even to the States, if such assistance would enable them to join friends capable of assisting them. The society is responsible for the due appropriation of the public funds with which it is entrusted to commissioners named by the Governor. The society is governed in its operation by certain rules, which determine the mode of distribution of its funds, and the description of the individuals to whom relief shall be given. Since 1832, when a fourth of the fund raised under the Provincial Act was placed at the disposal of the society, they have received from that source 5,795 *l.* 5 *s.* 2 *d.*, and have forwarded 16,884 emigrants (the great mass of whom have been sent to Montreal) out of a total emigration of 166,242, or about one-ninth of the whole. They have received during the same period from private charity 1,019 *l.* 10 *s.* 2 *d.*, and have assisted 5,145 persons in the manner formerly described. The amount from the former source is less than the number of emigrants during the period would give by the emigration or capitation tax, from the Provincial Act having expired in 1834, and not being renewed till 1835. So that during the former year, which, from the prevalence of epidemic cholera, was one of great suffering to the poorer emigrants, the society had at its disposal only about 416 *l.* for all purposes. In addition to this, the society have endeavoured, by various representations to the Government, to obtain improvements in the system of emigration, and the removal of various hardships to which the emigrants have been, and to some of which they still are, subject. For example, in the year 1833, the mortality and distress which occurred amongst commuted pensioners coming out as emigrants, induced us to represent the same to the provincial Government, and to deprecate the continuance of a system so ruinous to the pensioner emigrant and so injurious to the public; and in 1834, in compliance with resolutions passed at a meeting of the citizens of Quebec, we inquired into the operation of the then Passengers' Act, the 9 Geo. 4, c. which operated very unfavourably to the life and health of emigrants, and suggested certain improvements in it, many of which have been since embodied in the present Passengers' Act.

580. Do you consider the present Passengers' Act sufficient for its purpose?—If its provisions were duly enforced in England, I should think it was nearly sufficient. I am also inclined to think that a sufficiently qualified medical man should be provided for a smaller number of emigrants than the Act requires.

581. In what respect are the provisions of the Passengers' Act not sufficiently enforced?—I think you might obtain from other persons a more correct answer to this question than I am able to give.

582. Do you think that the establishment of a responsible authority at home to enforce the provisions of the Passengers' Act before the departure of the emigrants would be an improvement of the system?—Assuredly.

583. Is it your opinion that, with proper arrangements, large bodies of emigrants might come from England to this country without incurring the evils that you have described?—I should think that they might, under the Passenger Act duly enforced, and good preparatory provision made in this country, but not without.

Evidence.

J. Shry, Esq. M.D.



## Evidence.

Henry Jessopp, Esq.

Henry Jessopp, Esq.

584. You are Collector of Customs of the port of Quebec?—Yes, I have been so since 1833.

585-6. You have had good opportunities, I presume, of observing the operation of the provisions of the Passengers' Act, so far as they affect emigrants arriving here from the United Kingdom?—I have.

587. Will you be so good as to state whether you consider the present Passengers' Act, as at present enforced, a sufficient provision for the protection and wellbeing during the passage of the poorer and more ignorant class of emigrants?—If the provisions of the Act were strictly enforced by the agents at home, it might be, with certain improvements.

588. In what respect does it appear to you that the provisions of the Act require to be more strictly enforced?—It very often happens that the poorer emigrants have not a sufficiency of provisions for the voyage; that they should have a sufficiency of provisions might be enforced under the Act, which authorizes the inspection of provisions by the outport agent for emigrants. Many instances have come to my knowledge in which, from insufficiency of provisions, emigrants have been thrown upon the humanity of the captain, or the charity of their fellow-passengers. It would appear also, from the fact that many vessels have more emigrant passengers than the number allowed by law, that sufficient attention is not paid at the outport to enforce the provisions of the Act as to the proportion between the numbers and tonnage.

589. Have such instances been of recent occurrence?—Not this season, emigration having almost ceased, in consequence, I presume, of the political state of the Province; but last year there were several instances in which prosecution took place. Vessels are chartered for emigration by persons whose sole object is to make money, and also to make a trade of evading the provisions of the Act: this applies particularly to vessels coming from Ireland. We have found, in very many instances, that in vessels chartered in this way, the number was greater than allowed by law, and the captains have declared that the extra numbers smuggled themselves or were smuggled on board, and were only discovered after the vessel had been several days at sea. This might be prevented by a stricter examination of the vessel. The Imperial Act requires that the names, ages, sex, and occupation of each passenger should be entered in a list, certified by the Customs' officer at the outport, and delivered by the captain, with the ship's papers, to the officers of the Customs here. Lists, purporting to be correct, are always delivered to the tide-surveyor, whose duty it is to muster the passengers, and compare them with the list; and this list, in many instances, is wholly incorrect as to names and ages.

590. What is the object of falsifying the ages?—Infants under 12 months do not pay anything; children from 1 year to 7 count only three to an adult; from 7 to 14, two; and the object of the falsification is to defraud the revenue by evading the tax upon emigrants, payable under the Provincial law. This tax is paid, not by the emigrant, but by the ship's owners; the person who charts the vessel therefore has a direct interest in the falsification.

591. With what object are the names falsified?—A list of persons is made out, and if any of them do not take their passage, the names remain for others who may be substituted for them.

592. Does any practical inconvenience arise from this falsification?—As to ages, the obvious disadvantage of the defeating the deliberate provision of the Act as to the proportion between numbers and tonnage, and of evading the tax imposed here. The falsification of names produces no inconvenience, and I have only referred to it for the purpose of showing the careless manner in which the system is worked by the agents in the United Kingdom. All prosecutions for the infringement of the Act take place here; and many inconveniences arise from the delay and the expense of prosecution.

593. Be so good as to describe that delay and that expense?—Prosecution can only take place in the Vice-Admiralty Court, which, until lately, has only sat at certain intervals; and there is a necessity of bringing up the captain and his witnesses from the different coasts, to the serious injury of their business. The expense of prosecution in 1836 amounted, on the average, to about 18*l.* in each contested case; the penalty being only 22*l.* Last year the masters of the different vessels confessed judgment, and the expenses of each case were about 11*l.*

594. In what manner were these expenses incurred?—By the Attorney-general's bill, and the Court awarding the charges against the Crown.

595. Is the Attorney-general made the prosecutor under the Act?—Yes, under our instructions to send all cases to him.

596. And he is of course entitled to fees?—Yes.

597. Which probably constitute the bulk of the expense?—Nearly the whole expense consists of fees to the Attorney-general and other officers of the court.

598. Do any other points occur to you relating to defects in the administration of the Act in England?—The emigrant should be examined by a medical man before embarkation, so as to prevent disease from being taken on board, especially small-pox.

599. Be so good as to mention such suggestions of improvement of the Passengers' Act as may have occurred to you?—I am of opinion that the penalty for exceeding the number of passengers allowed by the Act is too high in some cases, and too low in others. The cases in which the penalty is too high, is where the number is not exceeded by more than three or four, or where the captains can prove that the extra number had smuggled themselves

selves on board. In such cases, though the penalty enforced may not be more than 5*l.*, the costs both of the captain and the Crown are the same, and are from 10*l.* to 12*l.* to the former. This penalty is too low in all aggravated cases; and since it has been decided that, under the clauses which impose the penalty of from 5*l.* to 20*l.* for every offence, the whole number in excess constitutes but one offence, the penalty becomes nugatory; for in proportion to the greatness of the offence is the smallness of the penalty. A captain having, for instance, from 40 to 50 above his number, may get by this excess from 80*l.* to 100*l.*, while the utmost penalty is only 20*l.* Instead of this fixed penalty, I would suggest that the penalty should be about 2*l.* sterling for each passenger, being about the passage money for each. In this way, no master of a vessel could find it for his interest to pass the limits fixed by the law. I have already brought the subject under the notice of the Board of Customs, by a letter written early in January, but have not heard anything from them on the subject. There should also, I think, be a power of summary conviction before two magistrates for infringements of the Act, instead of the prosecution before the Court of Admiralty. In this case the penalty might easily be awarded, according to the number of passengers exceeding the limit allowed by law.

600. Do you think that such improvements as you have suggested in the Act are absolutely necessary?—I think that they are necessary, to impose a check upon persons who make a trade of providing the passages for emigrants, as well as for the benefit of the emigrants themselves in such cases.

All complaints with regard to excess of numbers, and the condition of the emigrants during their passage, and at their arrival here, are attended to by the Emigrant Society, and the agent for emigration, but there is great difficulty in substantiating the latter.

601-2. What has been the effect of the lumber trade upon the cost and security of the passage of the emigrant to this country?—As to the cost, it certainly has enabled the emigrant to come out to this country at a much lower rate than he would otherwise have been able to do, in consequence of the very considerable number of vessels proceeding to this country in ballast. With regard to the latter point, the security of the emigrant, in consequence of the numerous wrecks that took place, and the consequent loss of life, attention was drawn to the very inferior class of vessels that were chartered for the accommodation of emigrants coming to this country; and the Government have consequently interfered, and have compelled the employment of a better class of vessels, since which period wrecks have been far less frequent.

603. Are the precautions at present adopted to secure the employment of a proper class of vessels for the passage of emigrants, in your opinion, sufficient, or can you suggest any alteration by which their efficiency might be increased?—I should suggest that before any emigrants are allowed to embark upon any vessel a survey of the same should be held by two or more competent persons, and a copy thereof lodged with the collector or chief officer of customs at the port, or with the resident emigrant agent, with a sufficient penalty to enforce the observance of the rule.

604. Can you state what has been the actual number of shipwrecks of emigrant vessels proceeding to this port from the United Kingdom during the last eight years?—I have no record of the number of shipwrecks, or the extent of loss of life, in my office; but I will endeavour to procure and furnish you with the particulars.

605. Have you had any opportunity of observing the character of the emigration to this country conducted by the late Earl of Egremont, as regarded the provisions made for the comfort and health of the emigrants?—Yes: I have been on board many of the vessels sent out by the late Earl of Egremont. The vessels were well found, the emigrants were clean and comfortable, well provisioned, and not only had every arrangement been made for their comfort during the voyage, but for their settlement in this Province. Each body of emigrants was under the care of an agent sent out for the purpose, who was charged to watch over their comfort during their passage, and to accompany them to the settlement prepared for them, and a sum of money was granted to each family to secure their support for 12 months. Not merely were the arrangements for the passage better than in any other emigrant vessels that I have seen, but the emigrants were generally of a superior class, and better selected than any of those who have been sent out at the expense of the parishes, or who have emigrated at their own cost.

606. Have the emigrants generally who are sent out by parishes been inferior to those who found their own way out?—Very generally, both morally and physically. The parishes have sent out persons far too old to gain their livelihood by work, and often of drunken and improvident habits. These emigrants have neither benefited themselves nor the country; and this is very natural, for, judging from the class sent out, the object contemplated must have been the getting rid of them, and not either the benefit of themselves or the colony. An instance occurred very recently which illustrates this subject. A respectable settler in the eastern townships lately returned from England in a vessel, on board of which there were 130 pauper passengers, sent out at the expense of their parishes, and out of the whole number he could only select two that he was desirous of inducing to settle in the eastern townships. The conduct of the others, both male and female, was so bad, that he expressed his wish that they might proceed to the Upper Province, instead of settling in his district. He alluded, principally, to gross drunkenness and unchastity.

607. In the course of your observations upon the mode of emigration of the poorer classes to this country, have any improvements suggested themselves to your mind?—I have thought that a general board of emigration should be established in England, with efficient local agencies. This board should have the entire charge of the emigration of the poorer classes as regards especially the selection of persons and vessels, and indeed every arrangement

Evidence.

Henry Jessopp, Esq.

## Evidence.

Henry Jessup, Esq.

ment connected with the emigrant until his arrival in this country, where he should find a branch of the home commission, whose duty should be to make every arrangement for his reception and settlement in one of these Provinces. By this arrangement, the welfare of the emigrant would be secured, and the inhabitants of Quebec and Montreal would be relieved from the constant appeals to which they are subject from persons who arrive here, and linger about in a state of total destitution.

Joseph Morrin, Esq., M. D.

J. Morrin, Esq., M. D.

608. You were formerly Health Commissioner under the Provincial Act of 1832, establishing a board of health, and are now inspecting physician of the port of Quebec?—Yes.

609. How long have you resided in this country?—I have been in practice here for these 20 years.

610. Are you a member of the committee of the Emigrant Society?—I was, but am not so at present, having ceased to be a member on becoming commissioner of the Marine and Emigrant Hospital, in which capacity one-fourth of the funds raised under the Act imposing a tax upon emigrants passes through my hands.

610\*. What is the nature of that tax?—It is a capitation tax of 5s. upon all adult emigrants arriving in the Province, whether rich or poor.

611. In what manner is the produce of the tax disposed of?—One-fourth is received by the commissioner of the Emigrant Hospital at Quebec for the relief of all sick emigrants arriving, until the opening of the navigation the year following their arrival; another fourth is placed at the disposal of the Quebec Emigrant Society; another fourth at the disposal of the governors of the Montreal General Hospital for the benefit of sick emigrants; and the remaining fourth at the disposal of the Montreal Emigrant Society.

612. You have had occasion to observe the condition of the poorer class of emigrants upon their arrival in this country?—I have.

613. Will you be so good as to describe it?—Since the establishment of the quarantine at Grosse Isle, 30 miles below Quebec, in 1832, where all emigrant ships are obliged to stop, I have had less opportunity than formerly of seeing the state in which emigrants actually arrive. Before that period, I was well acquainted with it, often from personal inspection. The vessels then came direct to this port. I am almost at a loss for words to describe the state in which the emigrants frequently arrived. With a few exceptions, the state of the ships was quite abominable, so much so, that the harbour master's boatmen had no difficulty, at the distance of gunshot, either when the wind was favourable or in a dead calm, in distinguishing, by the odour alone, a crowded emigrant ship. I have known as many as from 30 to 40 deaths to have taken place in the course of a voyage, from typhus fever, on board of a ship containing from 500 to 600 passengers; and within six weeks after the arrival of some vessels, and the landing of the passengers in Quebec, the hospital has received upwards of 100 patients at different times from among them. On one occasion, I have known nearly 400 patients at one time in the Emigrant Hospital of Quebec, for whom there was no sufficient accommodation, and in order to provide them with some shelter, Dr. Painchaud, the then attending physician, with the aid of other physicians, incurred a personal debt to the Quebec Bank, to a considerable amount, which, however, was afterwards paid by the Provincial Legislature.

614. Was the mortality great amongst the emigrants at that time?—Yes, considerable, and was attended with most disastrous consequences; children being left without protection, and wholly dependent upon the casual charity of the inhabitants of the city. As to those who were not sick on arriving, I have to say they were generally forcibly landed by the masters of the vessels, many without a shilling in their pockets to obtain a night's lodging, and very few of them with the means of subsistence for more than a very short period. They commonly established themselves along the wharfs, and at the different landing places, crowding into any place of shelter they could obtain, where they subsisted principally upon the charity of the inhabitants. For six weeks at a time, from the commencement of the emigrant ship season, I have known the shores of the river along Quebec, for about a mile and a half, crowded with these unfortunate people, the places of those who might have moved off being constantly supplied by fresh arrivals, and there being daily drafts of from 10 to 30 taken to the hospital with infectious disease; the consequence was, its spread among the inhabitants of the city, especially in the districts in which these unfortunate creatures had established themselves. Those who were not absolutely without money got into low taverns and boarding-houses and cellars, where they congregated in immense numbers, and where their state was not any better than it had been on board ship.

615. You are describing a state of things which existed some years ago?—It existed, within my knowledge, from 1826 to 1832, and probably for some years previously.

616. Since 1832, has not a considerable improvement taken place?—Yes.

617. To what do you attribute this improvement?—To the Passengers' Act; the existence of the fund for the benefit of emigrants, already alluded to; and the establishment at Grosse Isle, where all cases of contagious disease are detained, and the emigrants who are not affected with such disease are landed, and subjected to some discipline for the purpose of cleanliness, the ship being also cleaned whilst they remain on shore. Grosse Isle has been made public property, and the whole establishment there is under the direction of the Executive Government. There is a person called the sutler, with whom a general contract is made that he shall have on the island all such necessaries as may be required by emigrants

on their arrival, at a small fixed advance upon the current prices at Quebec; and a list of the Quebec prices is constantly exhibited in a public place, where all the emigrants may see it; and the sutler is obliged to take the English money of the emigrants at the Quebec rate of exchange.

618. Do you consider the provisions of the Passengers' Act sufficient for their purpose?—Speaking generally, I should say they would be, if rigidly enforced.

619. Do you mean enforced here or in England?—In England, if I may believe what has been repeatedly stated to me by emigrants, and persons who had the best means of information, and whom I had no reason to disbelieve, there has been much neglect in enforcing the stricter provisions of the Act. The Act is evaded in various ways, especially as respects the quantity and quality of provisions, and also as to an excess of numbers more than allowed by the Act. I refer principally to what took place before the last two years, having had no opportunity of examining the working of the Act during that period.

620. Had you an opportunity of inspecting the emigrant vessels sent out by the late Lord Egremont?—I had, as to some of them; and all of those vessels that I have seen arrived in a state of health and cleanliness far surpassing any other emigrant vessel that I have seen. The emigrants were clean, contented, orderly, and in good spirits; but then these emigrants were under the especial charge of an agent, who watched over them during their voyage, and was bound to accompany them to the locations which had been previously provided for them. Out of the many vessels despatched by his Lordship, I have heard of but one case of illness occurring in them, and even of that I am not certain. This emigration, in all its arrangements, seemed to me, as far as I could observe it, quite unobjectionable.

621. You could hardly wish better arrangements in any case?—I should be at a loss to suggest anything better.

622. Are you aware that these emigrants were sent out at Lord Egremont's expense, and that he was able consequently to adopt a system with proper discipline?—Yes, I have understood so.

Quebec, 4th August 1838.

Charles Poole, Esq. M.D.

623. You are inspecting physician at the quarantine station at Grosse Ile?—Yes, and have been attached to that station for the last six years.

624. What are your duties as respects emigration?—First, the inspection of all vessels arriving in the River St. Lawrence, and the examination of all passengers, for the detection of disease; secondly, taking measures for disinfecting vessels, and sending to the hospitals all persons labouring or threatened with any disease considered contagious.

625. Do you attend upon the patients in hospital?—Not at present; but I did so in the years 1833 and 1834, when I was medical superintendent of the hospital.

626. Can you give any statement of the number of emigrants who arrived during those years, and how they were disposed of?—I have prepared such a statement, and beg leave to put it in.

#### GROSSE ISLE.

TABLE of the Number of EMIGRANTS Arrived, Admitted to Hospital, Discharged, and Died, during the last Six years, up to this date, 7th September 1838; also, Number of Deaths during the Passage, 1836, 1837, 1838.

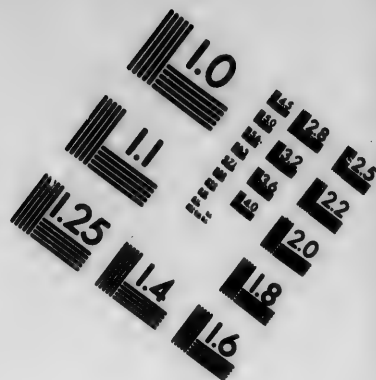
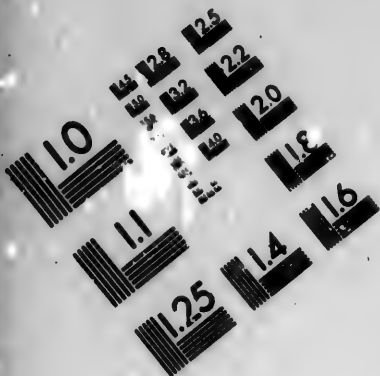
—	Admissions.	Discharges.	Deaths.	Number of Emigrants arrived.	Deaths on the Passage.	REMARKS.
1833	939	218	27	22,062		
1834	844	580	264	30,960	- -	
1835	126	116	1	11,580	—	
1836	454	396	58	28,956	205	
1837	597	540	57	22,225	237	
1838 to 7th Sept. }	48	39	5	4,992	13	- - Cholera year. Typhus fever generally on shipboard has been so highly contagious among the emigrants landed here, that four medical officers have been attacked, of whom one died, and 23 hospital servants, of whom five died, in the last five years, at this station.

627. You have read the evidence given before this Commission by Mr. Buchanan, Dr. Morrin, Dr. Skey, and Mr. Jessopp?—I have, and I concur generally in the view of the subject taken by Mr. Jessopp, Dr. Morrin, and Dr. Skey; but as all emigrants, without exception,

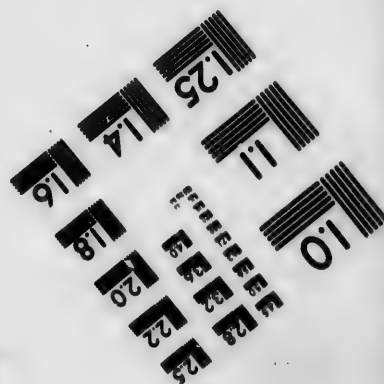
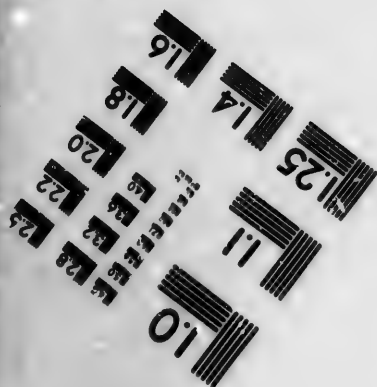
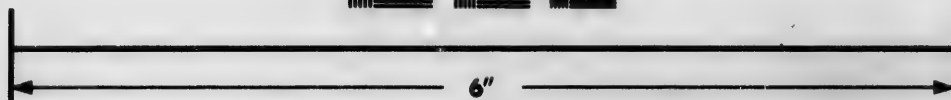
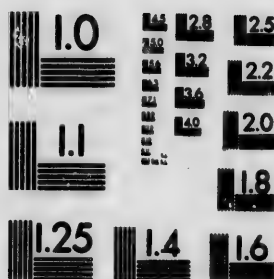
Evidence.

J. Morrin, Esq. M.D.





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## Evidence.

C. Poole, Esq. M.D.

exc. ption, necessarily come under my inspection after the voyage, I may perhaps be able to add some information to that which has been furnished by them.

628. Your personal experience relates to the period during which the emigrant tax has been levied, and the amended Passengers' Act of the Imperial Parliament has been in operation?—It does. Speaking of the operation of the present arrangement, we had last year upwards of 22,000 emigrants. The poorer class of Irish and English paupers sent by parishes were on the arrival of vessels, in many instances, entirely without provisions, so much so, that it was necessary to supply them immediately with food from shore; and some of these ships had already received food and water from other vessels with which they had fallen in. Other vessels, with the same class of emigrants, were not entirely destitute, but had suffered much privation from having been placed on short allowance. This destitution, or shortness of provisions, combined with dirt and bad ventilation, had invariably produced fevers of a contagious character, and occasioned some deaths on the passage; and from such vessels numbers, varying from 20 to 90 each vessel, have been admitted to hospital with contagious fevers immediately on their arrival. I attribute the whole evil to defective arrangements. For example, parish emigrants from England receive rations of biscuit, and beef or pork, often of bad quality (of this I am aware from personal inspection); they are incapable, from sea-sickness, of using this solid food at the beginning of the passage, when, for want of small stores, such as tea, sugar, coffee, oatmeal, and flour, they fall into a state of debility and low spirits, by which they are incapacitated from the exertion required for cleanliness and exercise, and also indisposed to solid food, more particularly the women and children, and on their arrival here I find many cases of typhus fever among them. Very few of these vessels have on board a sufficient quantity of water; the casks being insufficient in number, and very many of them old oak casks, made up with pine heads, which therefore leak, if they do not fall to pieces, which often happens.

629. Does this take place from ports where there is an agent for emigrants?—I have had many similar cases from Liverpool, and would mention two, of the "Ceres" and "Kingston," which arrived at Grosse Isle on the same day from Liverpool, in July 1836, of which the circumstances were so bad as to induce me to report them to the Civil Secretary, by whom I was informed that the report was forwarded to Her Majesty's Principal Secretary of State for the Colonial department. Those two ships left Liverpool about the same time; the one having 436 passengers, the other upwards of 340. The captains, respectively by name and , called the attention of the agent for emigrants at Liverpool to the water-casks prepared for the use of the emigrants, pointing out that they were what is called "leaguers," that is, very large casks, made up of old casks, and with pine heads, requesting that they might be filled before embarkation to prove their quality. This was refused by the agent, and the casks were taken on board without proof. The loss of water by leakage in the "Ceres" was computed during the first three days at 800 gallons; the "Kingston" nearly as much. On the arrival of these vessels at Grosse Isle, although the emigrants had been on short allowance of water, the "Ceres" had enough for no more than half a day, and the "Kingston" was quite without water. The temporary berths also on board both these ships were so badly constructed, that they came to pieces with the first heavy sea, causing the death of two children and severely injuring many others. The medicine chests on board these vessels, as is too frequently the case, were not more than 18 inches square, or sufficient for more than 25 passengers. Of castor oil, one had only three pints, and of Epsom salts three pounds. Had these vessels been properly inspected, nothing of the kind could have occurred.

630. But these were peculiar cases, and perhaps unique?—On the contrary, I but too frequently met with similar cases, more or less aggravated. I also wish to remedy, as loudly calling for remedy, a system of extortion carried on by masters of vessels, chiefly from Ireland, whence come the bulk of our emigrants. The captain tells emigrants the passage will be made in three weeks or a month, and they need not lay in provisions for any longer period, well knowing that the average passage is six weeks, and often extends to eight or nine weeks. When the emigrants' stores are exhausted, the captain, who has laid in a stock for the purpose, obliges them to pay often as much as 400 per cent. on the cost price for the means of subsistence, and thus robs the poor emigrant of his last shilling. Such cases are of frequent occurrence, even down to the present year.

631. When complaints are made as to the state of Canada emigrant ships in England, the answer has commonly been an admission of great defects formerly, with a statement that at present the arrangements are very different, and no longer objectionable; does your description apply to the past or the present?—Down to last year; this year there have been so few emigrants, that there has been little to observe upon; though even this year in some cases provisions and water have been deficient in quantity, and some vessels have arrived with small-pox, the origin of which was traced to individuals who embarked with the disease upon them. A proper medical inspection would have prevented this evil. The medical superintendence on board vessels, obliged by the Passengers' Act to carry a surgeon, is also very defective. The majority of such persons, called surgeons, are unlicensed students and apprentices, or apothecaries' shopmen, without sufficient medical knowledge to be of any service to the emigrants, either for the prevention or cure of diseases. On board a ship the knowledge of the means of preventing disease in such a situation is the first requisite in a medical man, and in this the medical superintendents are lamentably deficient. It is not much better as to the cure of diseases. I boarded a ship last year, of which the captain and three passengers, who had met with accidents, had their limbs bandaged for supposed fractures, which upon examination I found were only simple strains or bruises. On examining the

the captain's arm, I said that there had been no fracture; the surgeon, so called, replied, "I assure you the *tibia* and *fibula* were both broken." It happens that the *tibia* and *fibula* are bones of the leg. This is an extreme case apparently, but is not an unfair illustration of the ignorance and presumption of the class of men appointed to comply with that part of the Act which is intended to provide for the medical care of emigrants during the voyage.

632. Have you any other remarks to make on existing arrangements?—I wish to say that the reports made to me by the class of captains and surgeon superintendents now bringing passengers are seldom to be relied upon; in illustration, I beg leave to mention a case that occurred last year. It was a vessel, with about 150 passengers on board, from an Irish port. The captain and surgeon assured me that they had no sickness on board, and the surgeon produced a list which he had signed of certain slight ailments, such as bowel complaints and catarrhs, which had occurred during the passage, and which appeared on the list with the remark "cured" to all of them. On making my usual personal inspection of each emigrant, I found and sent to hospital upwards of 40 cases of typhus fever, of which nine were below in bed; these nine they had not been able to get out of bed. Many of the others were placed against the bulwarks, to make a show of being in health, with pieces of bread and hot potatoes in their hands.

633. What is the captain's interest in such deception?—To prevent detention of the ship in quarantine.

634. And the surgeon's?—One can hardly say; but they are probably influenced by the captain. Nevertheless, as there are many most respectable captains in the lumber trade, a proper selection of vessels by the emigrant agents at home would prevent this abuse.

635. Is that all?—No; that part of the law which regulates the height between decks of emigrant ships is frequently evaded in the smaller class of vessels by means of a false deck, some distance below the beams, bringing the passengers nearly in contact with the damp ballast, pressing them into the narrow part of the ship, and the beams taking an important part of the room allotted to them by law.

636. Is it possible that such fittings should escape observation in the port of departure?—Quite impossible, if that part of the vessel intended for emigrants be visited.

637. Are such cases common?—In many of the smaller class of vessels from Ireland, Yarmouth, Lynn, Ipswich, &c. bringing parish emigrants.

638. Is there any peculiar superintendence on board for parish emigrants?—Not that I am aware of; and I should say that there is none, because they are generally at the mercy of the captain or mate, who serve out the provisions, and who frequently put emigrants on short allowance soon after their departure; complaints of short weight and quality in the provisions are frequently made.

639. Have you brought these facts to the knowledge of Government?—These, or similar circumstances, have been mentioned by me in my annual reports for the years 1833, 1834, and 1835.

640. Was there any perceptible improvement in 1837?—But little in the arrangements at home; but the alteration of the quarantine regulations here, giving me a discretionary power to permit emigrants arriving clean and healthy to proceed to Quebec, without detention or landing on the island, has induced the masters of vessels to pay more attention to the health and cleanliness of the passengers, in the hope of avoiding the detention, which used to be required in all cases. It operates as a premium to care and attention on the part of the captain, and has had a salutary effect on the comfort of the emigrants. It has also obviated the great former inconvenience to the merchants of Quebec of having their vessels detained when clean and healthy. This, therefore, is a considerable improvement; but the state of the vessels generally for the year 1837, was nevertheless very far from what it might be, with a good system of inspection and arrangement at home. For instance, 597 cases of typhus and small-pox were sent to hospital, the greater part of which, as I have said before, were owing to bad arrangements. I also wish to remark in corroboration of Mr. Jessopp's statement, that down to the present time, the lists and descriptions of emigrants required by the Imperial Act to be certified by the customs' officer at the port of departure are seldom correct, either as to name, description, or number of passengers, so much so, that it is often difficult for me to find out whether any deficiency of numbers has been occasioned by death or otherwise. These falsifications are, first, for the purpose of evading the emigrant tax, which is levied in proportion to age; and the common fraud is to understate the age; and, secondly, for the purpose of carrying more passengers than the law allows, by counting grown persons as children, of which last the law allows a larger proportion to tonnage than of grown persons.

641. Is this fraud general?—Yes, very common, of frequent occurrence, and it arises manifestly from want of inspection at home.

642. Have you had any means of learning the degree of inspection that takes place at home?—If there is not one passenger to every five tons, no inspection takes place; and captains have, in many instances, told me that the agents only mustered the passengers on deck, inquired into the quantity of provisions, and in some cases required them to be produced. On occasionally the same bag of meal, or other provisions, was shown as belonging to several persons in succession; this the captain discovered after sailing. The mere mustering of the passengers on deck, without going below where the provisions were kept, is really no inspection at all; and it frequently happens that passengers are smuggled on board without any provisions. There is another evil, which might be readily obviated by a proper selection of vessels at home; that of employing as emigrant ships vessels that are scarcely sea-worthy, and which, consequently, being unable to carry sail, make very long passages. As the tonnage of the best class of vessels coming to Canada is more than

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sufficient to bring all the emigrants in any year, the employment of these bad ships ought not to be permitted.

643. Have any remedies for existing evils occurred to you?—I can only agree with Mr. Jessopp and others with respect to a special board of emigration at home, having no other occupation than that of superintending the selection and passage of emigrants, with responsible agents at the various ports of departure, who should be obliged to inspect all vessels bringing passengers, whether they have few or many on board, for according to the Emigrant Act, a large vessel may bring out 100 passengers, and no inspection is required or made. Were the clause, No. XX., of the Passengers' Act left out, and the Act otherwise enforced at home, the state of emigrants on ship-board would be much ameliorated. The present system at Grosse Isle works well, and really accomplishes its object, of preventing the reproduction of contagious diseases into the Province without unnecessary detention of the vessels. With respect to the care of emigrants after their arrival at Quebec I offer no opinion.

Augustin Nebert Morin, Esq., Advocate, and Member of the late Legislative Assembly of Lower Canada.

A. N. Morin, Esq.

643. You have had occasion to pay a good deal of attention to the subject of grants of lands to militiamen?—Yes; at different times militiamen have applied to me for advice. I have also been eight years a member of the Assembly, and have generally been upon committees connected with the land department in general, and also committees on militia lands.

644-45. Will you be so good as to inform us what has been the nature of the proceedings with regard to these grants?—Some time after the late war with the United States of America, free grants of land were promised by the provincial authorities, in the name of the Prince Regent, to disbanded soldiers and militiamen. The allowance was to be 100 acres for each private, 200 for non-commissioned officers, 300 for ensigns, 500 for lieutenants, 800 for captains, and I believe 1,200 for superior officers. There had been six embodied battalions of militia, levied before and during the war; those six battalions were called embodied militia. Several corps of the sedentary militia, by which were designated all the population able to bear arms, were also put in requisition, and organised, and were marched to the frontier, and served for more or less time. Several officers and militiamen of this last class are also to be found among the applicants for land, and in fact their case was foreseen in an Act of the provincial Parliament.

646. To what Act do you allude?—It was an Act passed in the year 1810, granting 3,000 *l.* currency, to give effect to the Royal instructions for the granting of land to militiamen and disbanded troops, who had served honourably during the late war, and to such others as might be within the meaning and intent of the said instructions. It was understood that this sum would be sufficient for the survey of the lands. A number of wild townships were in consequence set apart, and surveyed in the ordinary method; *i. e.* from a uniform diagram prepared beforehand, and without any attention to the physical topography, or to the means of access, or the capabilities of each portion of land. These townships were not contiguous, it being probably thought better to have them in separate sections; but neither were they contiguous to other settlements; they were remote and unknown places. This must have caused irregularities in the surveys. In addition to this, there were the two-sevenths reserved for the Crown and the Protestant clergy, which were intermixed, as elsewhere, with the rest of the lots, but not improved, and which added to the toils and difficulties of the neighbouring settlers.

647. Were these the only impediments to the settlement of the lands by the militia grantees?—The management of public lands having always been centralized in Quebec, in officers not sufficiently connected or acquainted with the country, and least of all with the poorer class, to which the militiamen belonged, those of the militiamen who knew of the Royal intentions were under the necessity of employing intermediate agents, many of whom soon turned speculators in militia claims. A great many of the militiamen have disposed of their claims for very inadequate considerations. This kind of trade revived every time, when, from the proceedings of Government, it was supposed that the claims would be speedily settled. Some of the speculators went into all parts of the country, searching out militiamen; several may have acted honestly, and given a reasonable consideration for the assignment which they obtained of the militiaman's claims; I know that many did not. Some obtained powers of attorney from the claimants, to act as their agents; among the latter, some have acted and still act *bonâ fide*, really pursuing the advantage of their clients; others acted for themselves, appearing to act under the powers of attorney, but possessing at the same time secret assignments of the land to themselves. The epochs at which these jobbing transactions took place were mostly at the beginning, and then from 1828 to 1830, in consequence of the favourable answer of Sir James Kemp to an address of the Assembly on behalf of militiamen whose claims had not been settled; and lastly under Lord Gosford, in consequence of his answer, and the despatch which gave further time for applications, and promised some other advantages.

648. So that in proportion as the Government appeared disposed to favour the militiamen, the system under which they were deprived of the advantages intended for them took greater effect?—Yes; and I allude particularly to the last occasion, in the year 1830, when the intentions of Government were announced afresh. In fact, at this time there are many individual speculators, each of whom represent militia claims to the amount of several thousand acres; some may have obtained patents, others have only location tickets, and others are still pressing the claims which they have purchased. Several officers who had more knowledge, and were better able to pursue their claims, have obtained their lands or their location

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location tickets; for I must admit that numbers of militiamen must have been negligent. I think, however, they were discouraged by the difficulties and defects of the system. Those officers however, have not, generally, improved their lands, but owing to the same difficulties, left them in their natural state, or sold them to individuals or companies. For to any one acquainted with the means of clearing and improving remote wild lands in Canada, it must be evident that few persons, even of the condition of militia officers, could turn to any profitable account lands so remote from settlements; far less could the militiaman. There were also some fees required in the public offices, and principally for the patents. The militiamen were too poor to pay them, or objected to them, saying that they had a right to a free grant. Where the patents issued, in many cases, they included a large number of lots, which no doubt occasioned delays, and might necessitate legal transactions between persons utterly unknown to each other.

649. In what manner did militia-men select their lands?—They obtained from the surveyor-general a certificate of vacancy of a half lot, which contained 100 acres; upon that, and their certificates of services, they obtained location tickets. I have known instances where, after a time, the land included in location tickets not having been granted by patent, for some cause or other, the lots so selected were given to other militia-men. The location ticket contained a promise of a grant and permission to occupy. The locatees were to obtain their patents after three years on condition that they would, by themselves or others, reside in the place, build a house, and clear four acres of land, being the same terms upon which location tickets were granted generally. In most of the cases the militia-men were unable to comply with the conditions, and in many could not even find their land. In many cases the conditions were not really fulfilled, but only colourably to obtain the patent. They built a mere shed, and slept there for a few nights, and then swore that they had resided on the land. In fact it was impossible for a family to reside at such a distance from other human beings in such wild places as were selected for militia grants. Besides all these difficulties to which the militia-men were exposed, there was much and harassing delay in the public offices, through which it was necessary to pass the patent. The poor people were obliged to be in direct communication with the public offices, as the professional men in general did not find it worth while to take up their cases, except, as I have mentioned before, for their own benefit. There were township agents in some parts, but I do not know that they have greatly advanced the settlement of militia-men.

650. Was this system of jobbing in militia claims carried on secretly or publicly?—Publicly.

651. What, quite without regard to decency?—In some cases, as I have explained them, powers of attorney were given, and the real assignment was kept secret; this secrecy might be considered as a regard to decency. But except in this respect the whole matter was as public as possible.

652. Was it so public as to be known, do you think, to the officers of Government?—I think so, but no efficient remedy could have been applied without some very important changes in the whole administration of the lands, which was not less defective, in respect to others, than in respect to militia claims.

653. What has generally become of the land for which militia location tickets were given, but the title to which has not been confirmed by patent?—A great part is still in abeyance; some lots are occupied by the owners, under the location tickets; others have been improved according to the conditions, either within or after the time prescribed. The location tickets were by many considered as a sufficient title, and passed as such in the market; at the same time some portions of the grants have been resumed by the Crown in consequence of the conditions of settlement not having been performed within the time prescribed.

654. But has not the time prescribed for making original applications for such grants been frequently enlarged?—Yes; twice.

655. It may have happened therefore that a person who postponed his original application beyond the time fixed for the performance of conditions as to the early grants, would be in a better condition than an early applicant?—That may easily have been the case. The matter stands thus: the time for application was long elapsed when, after repeated demands, Sir James Kempt enlarged it to the 1st of August 1830. During that period no doubt there were many new location tickets granted. The time elapsed again, and Lord Gosford, by his answer, which was afterwards confirmed by a despatch from the Home Government, without enlarging the time to those who had not applied under Sir James Kempt, gave greater facilities to those who had, by relieving them from the performance of the conditions; so that it may have happened, as I have said before, that those who had been most neglectful of their claims may be better off than those who urged their claims at first.

656. How has it happened that the lands of militia-men have been resumed for non-performance of conditions, while, in general, there has been no resumption of any Crown lands for this?—I cannot say; I can only refer to the evidence of the late Commissioner of Crown Lands, Mr. Felton, given before a Committee of the House of Assembly, in 1836, on this subject.

657. You are referring now to that part of Mr. Felton's evidence, wherein he says, that of such lands above 3,000 acres were sold to Messrs. Thomas, Peoples & Fleming, at 2s. 6d. per acre, Mr. Thomas having been agent for the township, and the person at whose instance the lands had been resumed?—I am; and I see in the same evidence that the sale to Messrs. Thomas, Peoples & Fleming was made upon a special order of the Governor, upon their application, and at the price of 2s. 6d. per acre, being half of the ordinary upset price of land in the township. Besides the townships specifically appropriated for the militia-men, some of them had been allowed to exchange their grants, and had tickets of location

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of land in several other townships where land was resumed. Mr. Felton says, that in these townships there was no distinction made as to militia-men. My opinion is, that some lands which had been located to militia-men were also resumed in Aston, and granted to others.

656. Have any conflicting claims as to lands arisen from such resumption, and regrants or sales?—Yes, to my knowledge, they have arisen in the township of Aston; and I know also that there are such conflicting claims, to a great extent, in Stansford and Balstrode, where militia-men have been located, but I do not know whether they have arisen in the precise cases of militia-men.

659. What was the precise character of the additional facilities given by the answer of Lord Gosford, and the despatch to which you have alluded?—The militia-men were divided into three classes. 1st, those who had obtained their tickets previous to 1830; 2d, those who had petitioned before that time; 3d, claims made subsequent to 1830, or not then made. To this last class no relief was given, nor any promise; the two others were relieved from the condition of settlement. A commission was named to inquire into the nature of the different claims; Mr. Langevin, its secretary, worked zealously and perseveringly in the matter, but I do not know that the head of the executive was ever called to pronounce upon the claims. Mr. Langevin gathered the papers which were dispersed in different public offices, selected and classed them. Much statistical information on this subject might, no doubt, be obtained from him. Since that time many poor militia-men, who had never applied, have come forward, but uselessly. This last answer of Government systematised the trade of militia claims, and fixed a price. The first class of Lord Gosford obtained from 7 l. to 10 l. for their location tickets; the second class from 35 s. to 50 s.; the third class were considered a bad job, and were given for almost nothing.

660. Has anything been done to relieve those militia-men whose grants have been resumed?—I do not know whether any of them have claimed on that account. I suppose that, under the terms of the despatch, they would be entitled to relief.

661. Have you any idea what proportion of the militia claims have been purchased by the speculators to whom you have referred?—I cannot form any precise idea, but my impression is, that it must amount to three-fourths of the whole.

662. The system then which you have described as having been pursued in respect to these claims, must have tended to defeat the object of Government in making grants to militia-men, if that object had been the settlement of the province?—Yes.

663. And equally so if that object had been the permanent benefit of the militia-men themselves?—Undoubtedly so.

664. In addition to your evidence, can you refer to any public documents which contain further details upon this subject?—Yes. 1st. The Report made to the Assembly on the 10th of February 1834, by a committee, of which Mr. Kimber was chairman, and which was adopted by the House. 2d. An Address to Lord Aylmer of the 24th of February 1834. 3d. The answer to this Address of the 5th of March 1834. 4th. A Report made to the House by messengers on the 11th November 1835, of the answer of Lord Gosford to an Address of the 4th of the same month. 5th. A Report of a Committee of the House presented on the 2d January 1836. 6th. An Address of the Assembly of the 26th February 1836; and then 7th, the answer of the 5th March 1836, to which I have referred, and which was followed by the despatch from Lord Glenelg. There are also the Minutes of Evidence of the Special Committee of 1835 and 1836, which are to be found, dated 2d January, at the end of the third volume of the Journals of the House.

Mr. John Langevin.

Mr. J. Langevin.

665. You were, I believe, secretary to the board appointed to investigate the militia claims for grants of land?—Yes.

666. By whom was that board appointed?—By Lord Gosford, in February 1837.

667. Upon what were those militia claims founded?—Upon a proclamation by the Earl of Dalhousie, dated November 2d, 1823, offering land to the six battalions of select and embodied militia, who served in the late war with the United States of America, and to such as marched to the frontier, upon a certain scale, from 1,200 acres each to lieutenant-colonels to 100 each to the privates.

668. Was this proclamation issued by the authority of the Home Government, or on the sole responsibility of the Governor?—I believe, for I have no means of knowing it officially, that it was directed by a despatch from the Colonial Office to the Duke of Richmond, about the year 1818, which despatch does not, however, appear to have been recorded, and to which therefore I am unable to refer.

669. Within what period were the applications originally to have been made?—By the 1st June 1823.

670. How often has that time been enlarged?—It was first enlarged to the 1st of May 1824, after that to the 1st of August 1830, and then, by instructions received from the Colonial Office, all persons who had made their claims before the last mentioned time, were to be put upon the same footing as they would have occupied at that date, without any advantage being taken of their non-fulfilment of conditions.

671. By whom were the applications for grants under this proclamation originally decided upon?—They were referred to the Executive Council, or to the Auxiliary Land Board, which consisted of the following public officers: Clerk of the Council as Chairman, Secretary of the Province, Auditor of Land Patents, and Surveyor-general, who reported upon each case, and upon their report the Governor decided.

672. How much land had been actually granted to applicants before the appointment of your Board?—I have not the means of giving an accurate answer to this question, but the Secretary

Secretary of the Province, or the Commissioner of Crown Lands, may be able to furnish you with the number.

673. Do you know upon what conditions these grants were made?—The person obtaining a location ticket, was bound to settle on the land and remain there for a period of three years, and within that time to erect a dwelling-house, and clear and cultivate four acres of land.

674. Have any of such grants been resumed for breach of condition?—Yes, but in most cases only when the land was applied for to be put up to sale by some party who was desirous of obtaining it, and perhaps occasionally when a free grant of the same land was applied for; but I cannot ascertain how many of these cases there were. The Surveyor-general will, however, be able to furnish this information. I wish however to observe, that these conditions in effect destroyed the value of the grant. An emigrant arriving from England, was enabled to obtain a grant of 200 acres upon precisely similar conditions as the 100 could be obtained by the militia. Consequently, it was regarded as of no value, and in many cases nothing was done to improve it.

675. What was the last regulation on the subject of these claims?—The notice of the 2nd February 1837, to which I have referred, as placing all parties, who had made their claims before August 1830, upon the same footing as at the time of making their claims.

676. What is the number of claimants, under this notice, who have applied to your Board?—Of the six battalions of embodied militia, 2,095 have been ascertained to have made timely application. Of all battalions and corps, including the above, 4,793. The number of those who, though not falling within the notice, have nevertheless claimed, is about 1,869. These are in addition to the cases upon which the Government have decided, upon the representations of the Board.

677. What amount of land would be required to satisfy the whole of the claims thus made?—About 811,000 acres.

678. Have the Board come to a decision upon any of the claims, and what has been the nature of their decisions?—The Board first proceeded to the investigation of cases under location tickets, and have gone through about 700 of them, upon all of which they have reported. Out of these 700 about 300 have been referred for patent, viz. their claims have been admitted by the Governor, and the remaining cases are in progress. Some of the cases have been laid aside until the principle upon which the decision should proceed was settled by the government. The Board have also partially investigated a number of claims not under the location tickets, and have reported favourably upon most of them.

679. Then the great majority of the claims are as yet undecided?—Yes.

680. Was there not some distinction intended to be made, by the proclamation of 2d February 1832, between the different classes of militia?—The words of that proclamation contain the distinction.

681. Has any such distinction been observed in practice?—It appears to have been followed for a period, after which a different course was, in some instances, followed by Lord Dalhousie, the then Governor.

682. What was the nature of that difference?—He rejected the claims of some of the corps, who had marched to the frontier.

683. Upon what ground?—The following are his words, under the date of 29th of March 1834: "I feel myself under the painful duty to put a negative upon such claims as this of the sedentary militia having for a short time marched to the frontier. I consider the battalions of incorporated militia alone entitled to grants of land, and must confine it to that class."

684. The Executive Council, then, had admitted to the benefit of the proclamation every person who had ever been to the frontier?—Yes, and even after the minute of Lord Dalhousie, they appear to have acted for some time upon precisely the same principle; and the decision was sanctioned by Sir F. Burton, the Lieutenant-governor of the province, during the temporary absence of Lord Dalhousie. At a later period, however, in 1830, they also altered their opinion, and adopted, with some exceptions, a rule somewhat similar to that laid down by Lord Dalhousie.

685. Have you any idea what number of the applicants would be likely to settle upon any land granted to them?—This would depend upon circumstances.

686. Do you imagine that half of them would?—Under very favourable circumstances one-half might be expected; not the individuals themselves, many of whom are dead, and the rest old, but some members of their families.

687. Then the remainder would look forward to making a profit by the sale of their grant?—I should imagine so.

688. Is it not understood that the titles to militia grants have, in many cases, been sold already?—There are no certain means of ascertaining, but I dare say there are a good many.

789. Can you form any opinion as to the proportion so sold?—No.

25 August 1838.

Charles Shirreff, Esq., of Fitaroy Harbour, Upper Canada.

690. WHAT have been your opportunities of becoming acquainted with the amount and value of the timber growing upon the waste Crown lands in the two Provinces?—I have resided now for upwards of 19 years on the Ottawa, in the heart of the timber trade of the district, and having been engaged in the timber trade before coming out to this country, I have been led to pay attention to this subject. I was also employed for some years as agent under the surveyor-general to collect the timber duties on the Ottawa.

3.—111.

N 3

691. You

Evidence.

Mr. J. Langevin.

C. Shirreff, Esq.



## Evidence.

C. Shirreff, Esq.

691. You have read that part of the evidence of Mr. Kerr which relates to the quantity and value of this timber, and the largeness of the revenue which might be eventually derived from it; do you consider that the opinion he has formed on this subject is well founded?—I think that his opinion is well founded as to the quantity and value of the timber, but I do not agree with him that the present duties are too low. As an illustration of the increased revenue which might be derived from this source, I may mention that the produce of timber licences on the Ottawa, in the year 1825, for the two provinces, amounted to less than 2,000 *l.*, and that it now amounts to about 18,000 *l.* I am under the conviction, from all the information I can obtain, that all the land to the north of the Ottawa, till it reaches the heights of the Hudson's Bay Company land, may be considered as pine land, and the supply therefore is practically almost inexhaustible. In addition to the present demand from the United States for pine timber through the St. Lawrence, in the event of a communication being opened between the Ottawa and Lake Huron, a very considerable demand must arise from the Western States of America bordering upon that lake, where there is no pine timber at all, and where settlement is making unparalleled progress.

692. Does not the present facility of obtaining large blocks of land, and at low prices, tend to diminish the amount of this revenue, by making it more advantageous to individuals to purchase land for the sake of the timber only, than to pay for licences?—I should say so. Cases have occurred in which land has been bought merely for the timber, upon a calculation, of course, that by this means the timber would be obtained at a cheaper rate than if it had been cut under licence. I can mention that of a company of Americans, who purchased from private individuals some thousands of acres in the township of Onslow, at the rate of, I think, 10 *s.* per acre, which I do not conceive could bear any proportion to the value of the timber. Many similar cases, though to a smaller amount, have occurred within my knowledge; and the temptation to do this was very great, because when the purchaser had paid the first instalment and obtained his location ticket, he could proceed to cut the timber; and the only penalty for not paying the other instalments, was the resumption of the land, about which he was very indifferent. This was unfair to those who cut timber under the licences.

693. Has any method occurred to you of preventing this practice?—The only method that has occurred to me is, that Government should hold these lands, which are generally unfit for settlement, and merely sell the timber upon them. Another check to these practices would be, that the whole of the purchase-money of the land should be paid down at once.

694. Do you consider the present method of collecting the revenue from timber the best that could be adopted?—Different methods are pursued in different places; below the Ottawa the lumberer pays for the quantity of timber named in his licence, whatever quantity he may cut; on the Ottawa he pays for the quantity actually cut. This difference arises from the fact, that on the Ottawa the quantity is ascertained by measurement; and that below, the mere statement of the lumberer is received as evidence. The method of payment according to the quantity, ascertained by measurement, arose in the following manner:—The timber trade of this country had its origin in licences granted by the Crown at home, to contractors, for the supply of the navy yards. In order to enable the contractors to fulfil their contracts, they were allowed to cut timber in Canada for nothing, under these licences. This continued until the year 1824 or 1825. Previous to that, in consequence of there being no superintendence of the Crown forests, many private persons in the Province cut timber without a licence, and often interfered with the persons who were cutting under a licence from the Crown at home. This led to complaints from the agents to the contractors, and the Attorney-general of Upper Canada, finding that the timber had been cut illegally, seized and sold it. This produced great confusion and dissatisfaction, and I was then consulted by the Government of Upper Canada as to the means of putting the trade upon a more satisfactory footing. I recommended that the trade should be made free, by admitting all persons to cut timber upon equal terms, and that the quantity cut should be ascertained, and paid for after it had been cut. In consequence of the matter being referred to the Home Government, the present system was adopted in the year 1825, and the trade thrown open; and it would have been uniform if a superintendence could have been established throughout both Provinces, similar to that adopted on the Ottawa, from whence the greatest part of the timber comes, and where the whole of it must necessarily pass under the eye of the inspector.

695. Are you of opinion that the revenue derived from timber in this country might be greatly increased by the adoption of a more extensive system of superintendence?—Yes, I have no doubt that such might be the case.

696. You consider that one of the most efficient means of increasing the demand for Canada timber would be the opening of a direct water communication between the great timber districts on the Ottawa, by means of the lakes, and the new settlements forming in the north-west by the Americans?—There can be no question of that; it would create an immense trade in that direction. Besides the mere facility of communication for conveying the timber to a new market, the increased facility of obtaining provisions for the great number of lumberers employed, who are now for the most part supplied from the Upper Province, by the way of Montreal, would enable the lumberers to sell their produce at a cheaper rate, which is the most efficient means of adding to the demand. There is no part of Upper Canada where provisions are so dear as on the Ottawa, where many thousands of persons are employed in lumbering; and I have no doubt that a direct water communication with the lakes would have the effect of rendering provisions as cheap in the Ottawa district as in any part of either Province.

## UPPER CANADA.

*John Radenhurst, Esq., Chief Clerk of the Surveyor-general's Office.*

697. HOW long have you been connected with the land-granting department in this colony?—I have been in the surveyor-general's office for twenty years. I have for nine years been chief clerk; during the whole of which period I have discharged all the duties of surveyor-general, as well as of chief clerk (except for about nine months), and I still continue to perform the same duties. I have twice been appointed acting surveyor-general for periods of six or eight months.

698. What have been the systems of disposing of waste lands, the property of the Crown, pursued in the province since its establishment?—Immediately after the revolutionary war with America, all persons who had served in the colonial corps that were raised during that war were entitled to grants of land according to their rank: field officers, 5,000 acres; captains, 3,000 acres; subalterns, 2,000; sergeants, 300 acres; privates 200 acres; those, too, who had not borne arms during the war, but who at the peace came into this country previous to the expiration of 1783, were entitled to a grant of 200 acres, or as much more, at the discretion of the Governor and council, as the number of their family or the extent of their means might justify: these grants were made upon condition of actual settlement. The sons and daughters of the latter class (who are denominated U. E. loyalists), born or to be born, were to receive a grant of 200 acres each on their coming of age; these last-named grants were subject to no condition till the year 1818, the fact of the party to whom the grant was made being settled in the province where the land was granted to him being considered sufficient. I have also understood that soon after the establishment of this province, as early as 1796, or thereabouts, some townships were to have been granted to persons who would undertake to locate upon them a specific number of settlers, in proportion to the size of the township. After some progress had been made by some of the nominees towards performing these conditions, the plan was abandoned, and grants of land were made amounting to 1,200 acres each, as a compensation for the trouble and expense incurred. In addition to the grants thus described, every executive councillor received a grant of 5,000 acres, free from all conditions excepting the payment of a small fee; the children of executive councillors also received 1,200 acres each, free from condition; this practice continued up to 1810. In 1804, new regulations were introduced of granting land, by which all grants were made subject to certain fees, with the exception of privileged grants to U. E. loyalists, officers, soldiers, executive councillors and their children. At the discretion of the Governor and council, grants not exceeding 1,200 acres were made to clergymen, magistrates and barristers, free from all conditions except the payment of fees; similar grants might be obtained by almost every body upon the same conditions; in fact, the payment of fees appears to have been the main if not the only object contemplated in the granting of land subsequent to the introduction of the table of fees of 1804. This practice of granting land at the discretion of the Governor and council to any one whom they might consider entitled to it, without any other condition than that of payment of fees, continued till 1818, when the performance of settlement duties was attached as a condition to every grant. Subsequently to this period grants of land were made with rather more reserve than previously: every person receiving a grant of land obtained only a location ticket, which merely entitled him to occupation of his land; and was bound to clear and crop five acres for every hundred, and to clear half the road in front of his location before a patent issued for his grant. This system continued upon all free grants of land till 1836, when the performance of settlement duties was dispensed with, except in the case of officers and privates, to whose grants these conditions still remain attached. By an order in council imposing these settlement duties, a scale of fees was attached to every grant, in proportion to the extent of land granted; but grants of 50 acres were allowed to be made gratuitously to poor settlers. In July 1825, instructions were received from Lord Bathurst, directing the sale of land upon quit-rents. Under these instructions, however, scarcely any sales were made, and in the following year, under similar instructions, the system of selling was introduced, and has been continued up to the present time.

699. You have detailed the methods of disposing of waste lands which have been pursued since the establishment of the province, and the character of the persons who, either under instructions from the Home Government or orders in council, were considered as entitled to grants; has any land been granted in exception to these methods, if any thing could be regarded as exceptional to proceedings so irregular?—Large grants have been made to Colonel Talbot, amounting to 48,520 acres, as a compensation for having settled 240 settlers upon 12,000 acres of land. This was in addition to 1,200 acres upon the payment of the usual fees; there was also a grant to the heirs of General Brock of 12,000 acres, and a grant of 12,000 acres to the Bishop of Quebec; these two last were under especial instructions from Lord Bathurst. Grants, amounting in the whole to 264,950 acres, have been made to persons contracting for the survey of townships, as a compensation for such surveys in lieu of money payment. Grants have also been made to officers and men in different corps of militia who served during the last war with the United States. Grants also were made to the settlers sent out under the superintendence of the late Mr. Robinson, in 1825. A quantity of land also has been granted, chiefly in the Bathurst district, to old soldiers and military emigrants, the greatest part of whom were sent out by the Home

Evidence.

*John Radenhurst,  
Esq.*

Essex,  
John Rodenbury,  
Esq

Government. A grant of 5,000 acres was also made to the Laird of McNab as a compensation for bringing out settlers.

700. Under what authority have grants of land been made in this province?—Up to the time of the division of the provinces in 1791, all grants were made by the authority of the Governor and council at Quebec, acting under instructions from the Home Government.

701. Can you state how much land was granted in this province previous to that period?—I have no means of ascertaining, as there are no records in the office but the plans transmitted from Quebec whereon the locations were made, but I believe the amount is comparatively small. After the division of the provinces, all grants were made by the Governor in council, also under instructions from the Home Government.

702. Were not grants made under the authority of Land Boards appointed by the Governor?—There were such boards appointed in 1789 for the Niagara midland and western districts, to which it was directed, by an order in council, that applications should be made, and these boards were empowered to give a certificate to any applicant, entitling him to 200 acres of land, upon condition of actual settlement within one year from the date of the grant.

703. Do you know how many townships were to have been assigned to individuals upon the conditions which you have mentioned of locating a certain number of families on them?—About ten.

704. How much land was granted to the individuals to whom these townships were to have been assigned, by way of compensation?—Twelve hundred acres each, amounting to 12,000 acres in the whole.

705. Do you know why the system of granting land in townships to the nominees was abandoned?—I do not know.

706. Were there not a considerable number of applications for grants of townships upon these terms?—Yes, there were.

707. How many?—About 50.

708. Which would have comprised 3,000,000 acres of land?—Yes.

709. Might not the extent of the demand thus suddenly made have led the council to pause for fear of the result?—It is probable that this might have been the cause, but I do not know.

710. Has it not been the case that one or two of the townships thus intended to have been assigned (that of Markham, for instance) has been well settled by the exertion of the nominees?—Yes, this was the case with Markham, and Oxford was well settled by the exertions of Mr. Ingersoll.

711. Was it not part of the instructions framed by the English Government for the regulation of the land-granting department in this province, that no grant should exceed 200 acres, a discretion being vested in the Governor of making a further subsequent grant, not exceeding 1,000 acres?—It was part of the original instructions.

712. The reason assigned for this circumstance was, that in the old British colonies great inconvenience had been found to result from the granting excessive quantities of land to particular persons, who have never cultivated or improved the same, and thus have prevented others more industrious from improving such lands; was it not?—Yes, it was.

713. Do you know under what authority the grants of 5,000 acres to executive councillors, in direct violation of the spirit and letter of these instructions, were made?—I have understood they were made upon recommendations from the council of the province, and confirmed by the home Government.

714. Up to what time did executive councillors continue entitled to grants of land?—I think the last grant was made in 1807.

715. Were any grants made to children of executive councillors subsequent to that period?—No, I believe not.

716. At what age were the children of executive councillors entitled to a grant?—I do not know that there was any fixed age.

717. Was there not one case in which a grant of land was applied for in respect of a child two or three days old?—Yes, there was, but this was in case of a child of a legislative, and not an executive councillor.

718. Did it not happen that reserves were made for such children before they were born?—I do not know that it was before they were born, but there is this instance of a reserve being made three days after.

719. How much land was granted on the whole under the different systems you have described previously to the introduction of the system of 1825?—I should imagine upwards of 13,000,000 of acres.

720. In what proportion have these lands been granted to the different classes you have described?—I will furnish a return in answer to this question.

721. You have stated that in 1808 grants of land were made subject to the performance of settlement duties; for what quantity of land did patents issue upon proof of the performance of settlement duties?—2,078,487 acres.

722. Does this comprise the whole amount of land located between 1818 and 1836?—No, it does not; a great number of locations were made, the patents for which were not applied for until after the performance of settlement duties was dispensed with; during this period, also, a great many persons who had become entitled to free grants would not even apply for locations lest they should become subject to the performance of these conditions.

723. So that probably a great portion of the patents issued during the period were to actual settlers?—Yes, many were to actual settlers, or to persons who placed actual settlers on the land granted.

Evidence.

John Rodman, Esq.

734. For what quantity of land have patents been issued since 1836, when the performance of settlement duties as a condition of patent was abandoned?—1,082,300 acres.

735. You have stated that the obtaining of fees appears to have been the main if not the only object contemplated in the granting of land since 1804; what were the fees required upon grants of land at that time?—On all town lots and grants under 100 acres, 6*l.* 9*s.*; on all grants of 100 acres, 8*l.* 4*s.*; 300 acres, 12*l.* 6*s.* 1*d.*; 400 acres, 16*l.* 8*s.* 2*d.*; 500 acres, 20*l.* 10*s.* 3*d.*; 600 acres, 24*l.* 12*s.* 3*d.*; 700 acres, 28*l.* 14*s.* 3*d.*; 800 acres, 32*l.* 16*s.* 4*d.*; 900 acres, 36*l.* 18*s.* 4*d.*; 1,000 acres, 41*l.* 0*s.* 5*d.*

736. In what manner were these fees appropriated?—A sum varying from 2*l.* 18*s.* 8*d.* upon grants of land from 100 to 300 acres, to 5*l.* 11*s.* upon grants of 1,000 acres, were distributed among the different officers of Government connected with the land-granting department.

737. These fees amounted to nearly 10*d.* an acre, so that in fact the system was equivalent to a sale at that price?—It was.

738. But the Governor in council had absolute discretion as to the individual to whom this sale should be made, the locality in which his lands should be situated, and the quantity of land he should be allowed to obtain?—Yes, he had.

739. And of course this power might be exercised so as to make the purchase (if it may be so termed) of one individual very considerably more advantageous than that of another?—It might; the value of land depends so much upon location that this must have been the case.

739. Were there any complaints that this power was employed to give an unfair preference to individuals?—I have heard such complaints; but since I have been in the office, I am satisfied there have not been any just grounds for them.

731. How long did this table of fees continue in force?—Up to the 31st January 1819.

732. How much land was granted between 1804 and 1819?—Three hundred and eighty-eight thousand two hundred and sixty-three acres.

733. How much of this was granted subject to the payment of fees, and how much to privileged persons?—I have no means of ascertaining without a reference to every description in the office, amounting fully to 50,000.

734. There has been, then, no separate entry of grants to different classes; nor any index by which these grants might at once be referred to?—No, there has not.

735. What was the scale of fees substituted in the year 1819 for that of 1804?—Fees on a grant of 100 acres, 5*l.* 14*s.* 1*d.*; on 200 acres, 16*l.* 17*s.* 6*d.*; on 300 acres, 24*l.* 11*s.* 9*d.*; on 400 acres, 32*l.* 5*s.* 8*d.*; on 500 acres, 39*l.* 19*s.* 9*d.*; on 600 acres, 47*l.* 13*s.* 10*d.*; on 700 acres, 55*l.* 7*s.* 11*d.*; on 800 acres, 63*l.* 2*s.*; on 900 acres, 70*l.* 16*s.* 1*d.*; on 1,000 acres, 78*l.* 10*s.* 2*d.*; on 1,100 acres, 86*l.* 4*s.* 3*d.*; on 1,200 acres, 93*l.* 18*s.* 4*d.*; or equivalent to about seventeen-pence halfpenny an acre.

736. What exceptions were there to this scale of fees?—The same as those of 1804.

737. How long did those remain in force?—Till the 1st of January 1820.

738. What scale of fees was then substituted in their place?—By order of council, 1st of January 1820, grants of 50 acres were gratuitous. On grants of 100 acres the fee was 12*l.*; on 200 acres, 30*l.*; on 300 acres, 60*l.*; on 400 acres, 75*l.*; on 500 acres, 125*l.*; on 600 acres, 150*l.*; on 700 acres, 175*l.*; on 800 acres, 200*l.*; on 900 acres, 225*l.*; on 1,000 acres, 250*l.*; on 1,100 acres, 270*l.*; on 1,200 acres, 300*l.*; these fees were payable by instalments, one-third on receiving a location ticket, one-third on receiving the attorney-general's fiat, and one-third on the description issuing from the surveyor-general's office.

739. How much of these fees was received by the officers of the Crown?—The same precisely as in 1804.

740. These fees, then, raised the price of land upon all tracts containing more than 500 acres to 5*s.* an acre?—Yes, they did.

741. The Governor in council, however, had the same absolute power of receiving or rejecting an application as formerly?—Yes, he had.

742. What quantity of land was granted gratuitously in 50 acre lots?—About 40,000 acres.

743. How much land was granted subject to these fees?—Seventy-two thousand two hundred and twenty-eight acres.

744. Were there no other means by which individuals could acquire land besides those which you have mentioned; such, for instance, as by purchase from the Indians?—There have been many purchases made from the Indians, but it was necessary that the purchase should receive the confirmation of the Home Government before the titles issued.

745. Have not very large tracts of land been acquired in this manner?—Yes.

746. Will you mention some?—The township of Woolwich, containing upwards of 86,000 acres, acquired by Mr. Wallace, and by him sold immediately to Colonel Pilkington, who commanded the engineers in this province; the township of Dumfries, containing upwards of 94,000 acres, granted to Mr. Siedman, and by him sold to the Honourable W. Dixon, member of the legislative council; the township of Nichol, containing 28,500 acres, acquired by the Honourable Thomas Clark, legislative councillor; the township of Waterloo, containing upwards of 94,000 acres, acquired by Richard Bealy and two others.

747. Was not Mr. Bealy Speaker of the House of Assembly at the time the township was acquired in this manner?—Yes, I believe he was.

748. Were there any other townships acquired in this manner?—A block of 30,800 acres was acquired by Mr. William Jervis, provincial secretary, and a block of 19,000 acres by John Dogstader and Benjamin Candy; these are all that I can remember at present.

749. Were any of these individuals agents for the Indians at or prior to the time of obtaining these grants?—No, they were not.

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750. When



## Evidence.

John Radenburs,  
Esq.

750. When Indian land has been acquired by Government, what has been the practice with regard to the claims of individuals who had acquired rights under the Indians?—It has been the practice of Government to confirm such rights to a reasonable extent.

751. Has much land been acquired in this manner by individuals?—No, not a great deal, with the exception of the townships already mentioned, which contain in the whole 358,000 acres.

752. Do you know what consideration the Indians received for these grants?—No, I do not.

753. All of them, however, were sanctioned by the Home Government?—Yes.

754. Upon representation from the Government here?—I do not know how that would be, but I presume it was.

755. And members of the legislative council or of the Government were directly or indirectly concerned in every grant?—Yes, they were.

756. In 1826, the system of granting land subject to the payment of fees was succeeded by a system of sale at auction; what have been the duties of the surveyor-general with regard to the land sold under the instructions by which this system was introduced?—We receive a certificate of sale from the commissioner of Crown lands for all lands sold upon which the purchase-money has been paid; upon receiving this, a description for the patent issues.

757. So that the office of the surveyor-general contains no record of any sales of land excepting those upon which the whole of the purchase-money has been paid?—It does not.

758. And as the Crown land is to be sold by instalments, you have no record of the sale till four years after the sale is made?—No, except in those cases where the purchaser may find it convenient to pay the instalments before they are due.

759. So that the surveyor-general's office cannot furnish to any individual a correct statement of what lands are open for further settlement?—It can, except in respect of such lands as are returned to the commissioner of Crown lands as appropriated for sale.

760. Is it then the case that portions of the province that are open for settlement are not open for purchase?—No, this is not the case; if any individual should apply to the surveyor-general's office wishing to purchase a lot which is open for location, that lot is immediately returned to the commissioner of Crown lands for sale.

761. After a particular lot has been so returned for sale, it has to be advertised and put up to auction, so that the individual applying for it is exposed to delay, and incurs the risk of being overbid?—That relates to the commissioner of Crown lands office, with whose regulation I am not acquainted.

762. Why is not all the land open for location returned to the commissioner of Crown lands for sale?—Because a number of claims for locations remain in this office unsatisfied, which require that the land should be retained in the office to satisfy them.

763. Would it not greatly simplify the proceedings of the land department, and facilitate the acquisition of land by persons desirous to settle upon it, if all lots open for disposal were returned to the commissioner of Crown lands for sale, and such as were actually located marked off in the same manner as those which have been sold?—In the present case the commissioner of Crown lands has to refer to this office for lots required for sale, in that which you have suggested we should be required to apply to him for lots required for location. I do not see that the public business would be facilitated by the change.

764. It is, however, absolutely at the discretion of the surveyor-general to decide what lands should be open for location and what should be open for sale?—Not without the sanction of the Governor.

765. I presume, however, that the Governor acts upon the recommendation of the surveyor-general?—That I cannot say.

766. How much land has been certified to the surveyor-general's office as being sold by the commissioner of Crown lands?—About 50,000 acres. I will furnish a return of the precise amount.

767. Does this include all the land which has been disposed of through the commissioner of Crown lands, and for which descriptions have issued?—No, it does not; the grants to officers of the army and navy, under the orders from the Home Guards and Admiralty, or rather the lands in respect of which a remission of purchase-money is allowed, for that is the form in which the grant is made, are not included in this return.

768. What is the amount of the land thus disposed of?—I will furnish a return of this.

769. All other methods of disposing of the waste land of the Crown than those of sale, or by a remission of purchase-money, are under the superintendence of the surveyor-general?—They are.

770. What other methods of disposing of waste lands are still in force?—Grants to sons and daughters of U. E. loyalists, to discharged soldiers, and orders for grants of land, under the authority of the executive council, to emigrants and others yet unlocated, and which remain unlocated, because no time was limited in the order within which the individual in whose favour it was made was bound to locate it.

771. Have any of these orders been made since the establishment of the system of sale by the Treasury orders of 1825?—None, except to U. E. loyalists and discharged soldiers and sailors.

772. Thus all the unlocated orders in favour of emigrants must be of 13 years standing?—Yes, since 1825.

773. Are there many of these orders still unlocated?—Yes, there are.

774. Can you state how much land would be required to satisfy them?—I will furnish a return of the amount.

775. What were the grants to discharged soldiers and sailors?—Up to 1836, every soldier or sailor producing his discharge and a certificate of character was entitled to a grant of 100 acres.

Evidence.

John Radenburt,  
Esq.

acres of land; this practice has been put an end to, except in respect of soldiers who have served in the country who are still considered entitled to grants.

776. Under what authority are grants to these soldiers continued?—I believe that they were exempted from the instructions received from the Home Government, by which the general practice was stopped.

777. How much land has been patented to all the different classes of individuals since 1825?—I cannot state positively from memory, but I believe about 2,000,000 of acres, exclusive of the Canada Company.

778. And the quantity for which patents have issued sold by the commissioner of Crown lands is rather more than 50,000 acres?—Yes.

779. So that the quantity disposed of by free grant, since the system of selling was introduced, is nearly forty-fold greater than by sale?—It is.

780. With regard to the grants of the sons and daughters of U. E. loyalists, were any large proportion of these settled by the grantees?—No; by far the largest proportion was sold to speculators.

781. Were any extensive purchases of these rights made by particular individuals?—I know of one case, that of the Hon. Robert Hamilton, in which the rights to these grants to the amount of about 100,000 acres were purchased, and there are several others of from 20,000 to 50,000.

782. Mr. Hamilton was a member of the legislative council, was he not?—Yes, he was.

783. Were there any other large purchasers connected with the Government in any way?—There were two chief justices, Elmslie and Powell, the solicitor-general, Gray, and several members of the executive and legislative council, as well as members of the House of Assembly, who were very large purchasers.

784. And it is not, I suppose, too much to presume, that these individuals were able to obtain more favourable locations for their grants than a private individual could have hoped for?—I do not think there was any partiality shown them in the selection of lots, but they necessarily had greater facilities.

785. What was the general price of these grants?—From a gallon of rum up to perhaps 6l.

786. So that while millions of acres were granted in this way, the settlement of the province was not advanced, nor the advantage of the grantee secured in the manner that we may suppose to have been contemplated by Government?—No, they were not.

787. Has this acquisition of land in large tracts by individuals operated unfavourably upon the advancement of the province?—It certainly has retarded the settlement of the province. Land has been locked up by these proprietors, who have done nothing to improve the value of their lands or to facilitate their settlement. I am only aware of one exception to this, the Honourable John Elmslie, who has expended large sums in improving his purchases. The remainder have allowed their purchases to remain waste until the rise of value, produced by settlement in their neighbourhood, has tempted them to sell; or have sold them to other speculators, who have allowed them thus to remain.

788. Have the disbanded soldiers and sailors generally settled upon their lands?—Generally they have for a while.

789. Have they then subsequently abandoned their settlements?—I have no means of knowing it officially, but I have no reason to doubt that the majority have remained upon their land just long enough to enable them to get their deed, which they might obtain upon proof of a residence of three years, and then sold it for a very trifling consideration.

790. What number of acres are under location; that is, as I understand, granted, but not patented?—Nearly 800,000 acres.

791. Lands that are not under patent are not subject to the tax upon wild land, are they?—No, they are not.

792. Supposing, therefore, an individual who has drawn land, or obtained a location, felt confident of obtaining his patent from Government whenever he applied for it, it would be for his interest not to apply for the patent until he had an opportunity of selling the land, or was desirous of settling on it?—Yes, he would by this means escape the wild land tax.

793. And in practice, I suppose every individual who has thus drawn land is quite sure of obtaining his patent when he applies for it?—Yes, I have never known Government refuse a patent to a locatee.

794. What is the amount of the wild land tax to which these lands, if now under patent, would be subject, and the number of acres thus situated?—It is rather more than 4s. per annum for 300 acres.

795. To this extent, therefore, the province has been, so to speak, defrauded of the produce of the wild land tax?—Yes, the tax has been evaded in this manner.

796. Could any person, not being a natural-born subject or naturalized, obtain a grant of land in this province?—Such persons have occasionally obtained grants of land upon taking the oath of allegiance; but since the passing of the Alien Bill, this is, I believe, impossible.

797. How much land would be required to satisfy persons who are or may be entitled to locations?—About 500,000 acres.

798. What quantity of land is included in that portion of Upper Canada which has been actually surveyed?—Nearly 17,500,000 acres.

799. How much of this has been granted or appropriated?—13,300,000 acres have been granted and disposed of to individuals and the Canada Company, and for public purposes; 450,000 acres have been set apart for roads; 318,000 acres have been appropriated to the Indians; 2,400,000 have been appropriated as clergy reserves, leaving about 1,500,000 open for disposal.

## Evidence.

John Radcliffe,  
Esq.

800. Of which one-third will be absorbed to satisfy claims for location which may yet be urged?—Yes.

801. And the remainder, I presume, is generally of an inferior character, and in unfavourable position?—It is, generally.

802. Have you any idea what proportion of the 13,300,000 granted or disposed of, is now generally occupied?—I have no means of ascertaining accurately; but from the knowledge I have acquired by travelling through the country, I am inclined to believe a very small proportion.

803. The remainder of course is wild land; what effect has this mass of wilderness upon the progress and wealth of the country, as affecting the means of communication and transport?—Injurious in the highest degree. Nothing has more tended to retard the settlement and prosperity of the country than this circumstance.

804. For what public purposes have lands been reserved other than the benefit of the clergy?—There have been reserves for schools amounting originally to 500,000 acres. A part of this, amounting to 266,000 acres, has been appropriated to the support of the University of King's College.

805. Under whose management are the lands appropriated to King's College?—Of the chancellor of the University and a committee. The whole of the land has been patented to them. The University did not obtain the school land, but an equal amount of the most valuable Crown reserves in exchange for the less valuable school lands. The school lands used to be under the management of a board of education, but I do not know that there is any such body now.

806. How much of the school lands have been patented?—A very trifling quantity; but I will furnish a precise return.

807. Of what value, generally, are those which remain ungranted?—They will average, I suppose, about 10 l. per acre.

808. And as upwards of 200,000 still remain to be disposed of, this would produce about 100,000 l.?—It would.

809. Lands have been appropriated as Crown reserves; is this practice still continued?—Crown reserves are still marked upon the diagram, and are not open for location, unless specially ordered by the Governor, but they are open to sale in the same manner as other Crown lands.

810. As regards persons entitled to grants, however, they are still actual Crown reserves?—They are.

811. What has been the practice pursued with regard to the laying out of towns, and the general disposal of town lots?—Whenever the surveyor-general, on the report of a deputy surveyor, imagines that a locality is advantageously situated for the building of a town, the site is submitted to the Governor as fit for a town, and in general a reservation is made for that purpose; the block thus reserved is divided into acre, half-acre and quarter-acre lots, according to its apparent value, or the probability of a great demand for the lots for building purposes, and these lots have been heretofore granted, subject to the payment of fees, and on condition of erecting a building on the lot within a specified period. They were granted indiscriminately at the discretion of the executive council to any person who was willing to fulfil the conditions imposed.

812. It might happen, therefore, that the whole of the town might be granted away within a short time of its reservation?—Yes.

813. Though it must be known that only a small part of those who received the grants could actually settle in the town?—I do not know how that was; but if the conditions of the grant were complied with, that was all the Government required.

814. Has it not happened, from this practice of granting in the first instance, that there are towns, the whole of which is private property, but a very small proportion of which is built upon?—There must have been buildings originally, but they may have been pulled down or allowed to fall into decay.

815. What practice has been pursued in laying out the clergy reserves?—Before the township was surveyed, the diagram was furnished to the surveyor, with the clergy reserves, in every seventh lot marked on it, and on his return of survey, these lots were appropriated as clergy reserves.

816. By the Constitutional Act it is directed, "that whenever any grants of land shall be made by the Crown, there shall at the same time be made in respect of the same a proportionable allotment for the support of the clergy;" under what authority are the appropriations which you have described made, before any grant has been made to private individuals?—Under authority of an order in council, 27 June 1795.

817. In the patent which issues upon every grant of land, has there not been a specification of the land set apart for the support of a Protestant clergy, in respect of such grant?—Yes, there has.

818. What proportion of land has been specified?—A quantity equal to one-seventh of the land granted, or 14½ acres for every 100 acres.

819. But as one-seventh of the whole land comprised in a township is equal to one-sixth of the land remaining to be granted, after this reserve has been made, it would follow, therefore, in every township there must be a portion of the land going under the name of clergy reserve, which is not specified as such in any patent?—It would have been the case if reserves had been made regularly from the commencement.

820. Have not such reserves been made regularly?—Not in the early settlement of the province.

821. By

Evidence.

John Macdonald,  
Esq.

891. By a statement which you have furnished to this commission, it appears that, among the surveyed lands of the province, there are about 700,000 acres described as Indian lands, and which, therefore, have not been granted by the Crown; has any reserve been made for the clergy in respect of these lands?—Yes; there has been the usual quantity of land set apart as clergy reserves in respect of these lands.

892. Under what authority have these reserves been made?—The reserve was made in anticipation of the land being granted.

893. So that upwards of 100,000 acres have been withheld from settlement because the surveyor-general chose to imagine that at some time or other the Crown would grant land which did not belong to it?—This reserve was not made by the surveyor-general at his own discretion, but on the authority of a special order of the Governor in Council, founded on a representation of the then attorney-general; and the greater part of it has been specified since the Indian lands, in respect of which the reserve was made, have been patented to individuals.

894. By the same statement furnished to this Commission, it appears that the surveyed land amounts to nearly 17,000,000 acres, the land appropriated as clergy reserves, amounts to about 2,400,000 acres, being about one-seventh of the whole surveyed land, supposing the plan which you have described of reserving land equal to one-seventh of the grant, pursued in respect of the whole surveyed land, there would be a surplus, would there not, of upwards of 300,000 acres not specified in any patent? If all the lands were under patent and specification taken, there would be a large surplus not required for any specification, owing to the misconception of reserving one-seventh instead of one-eighth.

895. And there must be a proportionate surplus in every township, in which a reserve of one-seventh has been made in laying it out, according to what is termed the chequered diagram system?—Yes, there would be.

896. How many townships have been so laid out?—About 200, comprising about 13,000,000 of acres.

897. Nearly the whole of the land in which has been disposed of by the Crown?—Nearly the whole of the land fit for cultivation.

898. So that the surplus contemplated in my former question has actually arisen in almost all the townships in the province?—In about two-thirds.

899. In what manner have the specifications for clergy reserves been made?—In the first instance only six-sevenths of every lot of 200 acres or 17½ acres were specified; 28½ acres of each lot not being contained in any specification; latterly the seven-sevenths of each lot have been taken out, and one-seventh of the lots set apart for the clergy reserves in each township has been omitted from specification.

900. Will you state in what townships these separate systems have been pursued?—No such division as you require me to make can be made, because in many of the townships in which the former system was originally pursued, a portion of the land remained ungranted when the latter system was introduced; thus both systems have been introduced into the same township.

901. So that it would be absolutely impossible to separate the specified and unspecified portions of what is called the clergy reserves throughout the province?—It is obviously impossible in those cases in which parts only of the particular lots were specified according to the first system described; the one-seventh of the lots which has not been taken in specification can be ascertained, but not any particular part of a lot.

902. How many acres of clergy reserve have been described for patent?—Nearly 74,000 acres.

903. How much of this has been specified as clergy reserves in patents or grants of land?—I cannot say, as some lots are taken in whole, and others are as yet in part.

904. Are you aware whether any lots have been sold, no part of which has been specified in any patent?—I do not know whether or not there has been such sale, the whole of the clergy reserves having been returned to the commissioner of Crown lands for sale, and this office only having a record of those upon which the whole purchase-money has been paid.

905. Such, however, may have been the case?—Yes.

906. And many lots have been returned from this office to the commissioner of Crown lands no part of which has been specified?—There have.

907. Was there not a special agreement made with the Laird of M'Nab?—There was by an order in council, dated 5 November 1823.

908. What was the nature of that agreement?—It was that a township should be set apart on the Ottawa for the purpose of being placed under his superintendence; that it should remain under his sole direction for 18 months; that patents might issue to any of the settlers of the township on his certificate, stating that settlement duties were performed, and his claims on the settler adjusted, or that patents might issue to him in trust for any number of settlers; that a grant of 1,200 acres was to be assigned to him, to be increased to 3,000 acres on his completing the settlement of the township.

909. Has the settlement of the township been completed?—No, it has not.

910. The full grant of 3,000 acres has however been made to the Laird of M'Nab, has it not?—The order of the Governor in Council for the grant is lodged in this office, but no description for patent has issued.

911. Why is that?—The selection of the lots that he had made were those on which he had placed settlers, who I understood had made considerable improvements, and I did not feel myself at liberty to issue descriptions, and I accordingly referred it back to the executive council.

3.—III.

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891. By



## Evidences.

John Radenkurst,  
Esq.

council. A second petition praying that a description for those particular lots may issue for patent is now before the executive council.

842. The effect of granting his petition would be to place these settlers completely in his power?—Yes, it would.

843. By an order in council this township was to be placed at his disposition for 18 months; has there been any order in council extending this period?—I am not aware that there has been.

844. The settlement, however, of the township is still under his sole direction, is it not?—Yes, it is.

845. Has not the settlement of a very extensive tract of country been placed under the sole superintendence of Colonel Talbot?—Yes, it was.

846. On what terms?—At first, Colonel Talbot was entitled to receive 150 acres for every individual whom he should have settled on 50 acres of land; under this system he acquired the number of acres I have before mentioned. Under this arrangement, he settled 240 families; since 1821 this arrangement has been discontinued, but the exclusive superintendence of this large tract is still in his hands; but he performs the duties of superintendent without receiving any grant of land as remuneration.

847. He may, however, I presume make any arrangement he pleases, as to the surrender of a portion of the grant made to them, with the persons he settles on the lands?—He may, but I do not think he does; I have not heard any statement of the sort.

848. Has he then no remuneration for his labour?—Not that I am aware of.

849. Not a pension of 400*l.* a year?—He has a pension, but I do not know for what services it was granted him.

850. How much of this land is settled?—I understand from him that he has settled nearly the whole of it.

851. What quantity of land was sold by Government to the Canada Land Company, and what were the terms of sale?—The company at first contracted for the purchase of 1,384,413 acres of Crown reserves, and 829,430 of clergy reserves at 3*s.* 6*d.* per acre. The Government were, however, unable to perform their contract, so far as related to the clergy reserves, and as a substitute, the company were allowed to select 1,100,000 acres in a block on the shores of Lake Huron, at the same price for the whole as was to have been paid for 800,000 acres of clergy reserves, making the whole of their purchase 2,484,413 acres, the purchase-money was to be paid in the following annual instalments; viz.—In the year ending July 1827, 20,000*l.*; 1828, 15,000*l.*; 1829, 15,000*l.*; 1830, 15,000*l.*; 1831, 16,000*l.*; 1832, 17,000*l.*; 1833, 18,000*l.*; 1834, 19,000*l.*; 1835, 20,000*l.*; and 20,000*l.* a year for the next seven years. The company was to be at liberty to expend one-third part of the purchase-money of the block of 1,100,000 acres in public works and improvements within such block of land, such as canals, bridges, roads, churches, wharfs, and school-houses, &c.

853. Has there been any obligation on the company to take out patents for their lands at any particular time?—No, not until the expiration of the time allowed for the payment of the whole purchase-money.

854. How much land has been described to the Canada Company?—1,393,388 acres.

855. What is the extent of the establishment of the surveyor-general's office?—A surveyor-general, salary 600*l.*; this place is at present occupied by Mr. Sullivan, who receives no salary; chief clerk, 300*l.*; draftsman, 300*l.*; second clerk, 200*l.*; third clerk, 175*l.*

856. What is the state of the surveys throughout the province generally?—Generally speaking, they are very inaccurate. This inaccuracy was produced, in the first instance, by the deficiency of competent persons, and the carelessness with which the surveys were conducted. Latterly the practice introduced by Sir Peregrine Maitland, in spite of the results being pointed out, by the then surveyor-general, of letting out the surveys to any person who was willing to contract for them for a certain quantity of land, produced extreme carelessness and inaccuracy. The surveyors just hurried through the township, and, of course, made surveys which on the ground are found to be very inaccurate.

857. To such an extent probably, that in some townships scarcely a single lot is of the dimensions or position actually assigned to it in the diagram?—There are instances of this sort.

858. The consequences of this have, I suppose, been confusion and uncertainty in the possession of almost every man, and no small amount of litigation?—Such has been the case: last session an Act was passed, authorizing the Governor to appoint commissioners, with power to settle disputed boundaries, which will, I hope, remedy the inconveniences arising from this source.

859. Are there not considerable arrears in the office of the surveyor-general?—There are a number of entries in the books, such as field notes, commissioners' reports, &c. &c., which require to be made, but the current business of the office is not in arrear. For the last nine years, however, the office has not had its full establishment; I have been required to perform the duties of surveyor-general as well as of chief clerk, instead of being kept to the latter duties only, and there has been no effectual superintendence of the office, owing to the same cause, except during the 15 months Mr. Chewett was acting surveyor-general. The office is in the same condition at the present time, as the present surveyor-general has other duties to perform, which occupy the whole of his time.

Richard

Richard Hill Thornhill, Esq., Chief Clerk of the Crown Lands Office.

Evidence.

R. H. Thornhill,  
Esq.

860. WHAT are the duties of the Crown lands office?—The commissioner of Crown lands has the superintendence of the sale, and management of the Crown lands of the province.

861. Are there any other duties performed by the commissioner of Crown lands?—Yes; the duties upon timber throughout the province are collected and accounted for by the commissioner of Crown lands, as surveyor-general of woods and forests, and the sale and management of clergy reserves are under the control of the commissioner of Crown lands, as agent for the sale of clergy reserves.

862. How long has this office existed?—Mr. Robinson, the former commissioner, was, I believe, appointed to his office in 1827, but did not enter upon the duty of his office till April 1828.

863. Were the three offices created at the same time?—Yes, nearly so.

864. And vested in the same person?—Yes.

865. Were there separate salaries for the three offices?—Yes.

866. What was their amount?—The commissioner of Crown lands, 500 *l.* sterling; surveyor-general of woods and forests, 500 *l.* sterling; and by an order in council, as agent for the clergy reserves, 500 *l.* currency; the present commissioner of Crown lands, 500 *l.* sterling as such commissioner, and 500 *l.* currency as agent for the sale of clergy reserves, and he performs the duties of surveyor-general of woods and forests without salary.

867. By whom were the duties now performed by the holder of these three offices previously performed?—The duties can hardly be said to have had any existence previously; all Crown land was previously disposed of by grant, and the whole of this business was managed then, as now, by the surveyor-general; I believe the management of the clergy reserves was previously under the control of a corporation, but these reserves could not be sold.

868. How long have you held your present office?—I have been chief clerk since 1836, but have been in the office since November 1828, and performed the duties of chief clerk for some years previously to receiving that appointment.

869. Of what does the property of the Crown under the control of the commissioner of Crown lands consist?—Such portion of the vacant and ungranted lands of the Crown as are from time to time returned by the surveyor-general as open for sale, together with such of the Crown reserves surveyed since 1824, or not made over to the Canada Company, as are similarly returned.

870. How much has been returned to the commissioner of Crown lands in this manner?—About 300,000 acres.

871. Of this how much has been sold?—One hundred thousand three hundred and seventeen acres.

872. Were there not regulations in force for the sale of Crown lands previous to 1828, when the office for commissioner of Crown lands was established?—I understand there were.

873. Do you know if any sales of land took place under these regulations?—I do not.

874. By what regulations has the commissioner of Crown lands been regulated in the discharge of his duties?—By instructions issued to Mr. Robinson, the commissioner of Crown lands, by the Lords of the Treasury, dated 18 July 1827, a copy of which I beg to hand in.

875. But have not other regulations been subsequently issued by the Colonial Office for the sale and management of the Crown lands of the province?—Yes, in 1831, and subsequently.

876. Have these subsequent regulations been acted on?—To a certain extent, I believe, they have.

877. To what extent?—To the extent of abstaining from the sale of Crown lands, otherwise than by public auction, except in the case of selling to emigrants, under the sanction of a special order of council, according to the regulations of 1830, which allowed three years for the payment of the first instalment, under particular circumstances.

878. I perceive, by the instructions to Mr. Robinson, which you have put in, that the commissioner of Crown lands is directed to ascertain "the nature and particulars of all the Crown property within the province, under the following heads: waste lands in those districts of the colony which have not heretofore been surveyed or laid out; waste lands in those districts of the colony which have been surveyed and laid out, but no part of which has been granted; ungranted lands and Crown reserves in those districts where grants have been made; lands which have been granted in perpetuity, upon payment of quit or other rents; lands and reserves which have been granted upon leases for series of years, upon reserved rents or otherwise." Have these instructions been complied with?—They have not been complied with.

880. The commissioner is also required by the same instructions "to submit to the Governor or officer administering the government, a report of the total quantity of each district of Crown property, within each district, of the reserve, so far as he may then have ascertained the same, together with his opinion of the quantity of each description of property which it may be expedient to offer for sale in the ensuing year." Has this part of the instructions been complied with?—No, it has not.

881. What part of the instructions then has been acted upon?—Except in the particulars referred to in the previous questions, they have been acted upon, unless in cases where a departure from them has been sanctioned by the Governor, whose order under the same instructions the commissioner is bound to obey.

3.—III.

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882. The

Richard

## Evidence.

R. H. Thornhill,  
Esq.

882. The two particulars then in which these instructions have not been acted upon appear to be, that the commissioner of Crown lands has never obtained a return of all the ungranted lands within the colony, and consequently has never reported the same to the Governor?—I wish to say in answer to that, that partial returns have been obtained from the surveyor-general's office of such townships and lands as appear likely to be sought after.

883. But the quantity of surveyed and ungranted lands is 1,500,000 acres, while the whole amount returned to the commissioner of Crown lands, as open for sale, amounts to only about 300,000 acres?—Yes, but returns have been called for by the present commissioner of Crown lands, immediately upon his appointment in 1836, of the quantity of land located on which the duties of settlement have not been performed, and which would therefore have reverted to the Crown; but this return has not yet been furnished; these lands would form most probably the most valuable part of the property of the Crown.

884. But as the present commissioner of Crown lands is also surveyor-general, he is calling upon himself for this return, is he not?—The present commissioner of Crown lands only received the appointment of surveyor-general on 20th June 1838.

885. By the instructions to Mr. Robinson, it appears that the sale and management of all the Crown lands in the province were placed under his control as commissioner of Crown lands; it would seem however from your answers, that he has never been commissioner of Crown lands, or assumed the management of more than the 300,000 acres returned to him by the surveyor-general?—No, he did not assume the control of locations of lands remaining unreturned by the surveyor-general, except that as surveyor-general of the woods and forests he sold the right to cut timber on them.

886. But this had nothing to do with the disposal of the land?—No, it had not.

887. So that in fact the quantity and situation of the land to be put up to sale was determined not by the commissioner of Crown lands and by the Governor, as directed by these instructions, but by the surveyor-general?—The surveyor-general never made any returns, unless specifically called on to do so; and, therefore, the situation and quantity of land to be put up to sale was determined by the commissioner of Crown lands, by whom these returns are called for.

888. Why then did not the commissioner of Crown lands call for a return of the whole?—I cannot say.

889. But the management of all lands not included in these returns remained in the hands of the surveyor-general, who might at any time appropriate the most valuable portions to individuals entitled to free grants of land?—The control of lands not having been assumed by the commissioner of Crown lands, the surveyor-general was at liberty to locate them to such persons having orders for free grants of land as he thought fit.

890. What have been the proceedings of the commissioner of Crown lands in respect of the lands so returned to him?—Agents have been appointed throughout the province to carry the public sales into effect; when a sale of waste land took place, notice thereof was given in the official gazette and other newspapers published in the province; the purchaser at any such sale was required to pay the first instalment of one quarter into the office before he received authority from the office to take possession of his land; the remainder of the purchase-money was required to be paid by three equal annual instalments without interest, the patent for such land not issuing until the full amount of purchase-money was paid to the commissioner of Crown lands.

891. At what time were the first instalments required to be paid?—It was required to be paid down.

892. That is, at the time of the auction?—It was required so to be paid, but was not so paid in all cases; the sale was not considered to be completed until the payment of such instalment.

893. What proportion do you suppose was paid at the time of auction?—A very small proportion indeed; in fact, the auction sales were altogether nominal, in respect to a considerable number of lots; the persons to whom these lots were knocked down never completed their purchase by the payment of the instalment; such bidders, however, were not considered as having any right to the lands.

894. How long a time was allowed to elapse in these cases before the land was considered forfeited and put up to sale again?—No definite time was fixed by the late commissioner, who received the money at his discretion at any distance of time in cases where he considered the parties entitled to such indulgence; in other cases it was put up for sale at the next sale; but there was no regularity in this, and it did not often happen. Autumn sales generally closed in the month of November, and began about May in the ensuing year, and indulgence was always granted by the commissioner for this interval.

895. For what mean time, the person who had been prevented from purchasing by being outbid by one of these nominal purchasers at a former sale, might have left the country, or have purchased land of private individuals, or determined not to purchase land at all?—It is possible such might be the case.

896. And in all cases the land was withheld from settlement during the interval between one sale and another?—Yes, it was.

897. In the year 1833, interest was required upon instalments after the first; under what authority was this required?—Under instructions from the Home Government.

898. Was this the only change introduced into the system of selling by those instructions?—It was the only alteration in this office.

899. Then the period at which instalments were payable was not altered in any respect?—Not in any

900. Have

Evidence.

R. H. Thornhill,  
Esq.

900. Have any steps been taken to prevent the occurrence of inconveniences, such as you describe, arising from the practice of not requiring the instalment to be paid down?—Yes, upon the appointment of the present commissioner of Crown lands, Mr. Sullivan, persons bidding for land at public auction were required to pay the instalments into this office within 14 days from the day of sale, and agents were required to render to this office a return of the land sold at each sale, as soon as the same was closed. At the expiration of the period of 14 days, returns are forwarded to the agents in the different districts, of the persons who have complied with this condition, and the agents are directed to offer all lots not included in this return, for sale at the next monthly sale. It having also appeared to the present commissioner that, in certain cases, persons not intending to become purchasers were in the habit of bidding up the lots in opposition to individuals having the means and intention of paying for the land, and bringing settlers thereon, the agent was instructed to require payment of the first instalment of the purchase-money on the spot, in cases which appeared to him to require such proceedings, and in default thereof the lot was to be put up again, and the bid of that person not received, which precludes the possibility of a *bond fide* purchaser being disappointed in his attempts to obtain land for settlement. Mr. Sullivan also caused circulars to be prepared, giving notice to persons in arrear that they would be called upon to pay up the amounts due from them; but he did not issue it, as nothing of the sort had been done by his predecessors, and he was aware that the people of the country were in expectation of some favourable change in the land-granting department.

901. But under the former system lands in respect of which the first instalment had not been paid before the next sale, were in some cases put up again at that sale, does the present change therefore affect an improvement in many cases, except those in which the agent may imagine that the bidder has no intention of completing his purchase?—Yes, it does; sales were not always made at monthly intervals, and persons who bid off lands were in the habit of considering that they had a claim to such lands; the agents too, in most cases, did not make immediate returns of the sales, and therefore the further dealing with the parties bidding off, was not placed in the power of the commissioner, but was kept to a great extent in the hands of the agent, nor was any day fixed within the month after which the instalment could not be recovered; all these sources of irregularity are now put an end to.

902. Why do you return to the agent the number of those who have complied with the conditions of sale by the payment of the purchase-money?—Because it is much easier, their number being so much smaller.

903. What proportion of the purchasers of Crown lots are now in arrear?—A very large proportion.

904. What has been the amount of Crown lands sold in each year since the establishment of this office?—I beg leave to refer to a return furnished from this office on the subject.

905. Has any part of this land been sold by private contract?—Yes, a small portion of it has been sold under special instructions from the Governor, in cases where it was imagined that the individuals had a right to pre-emption, owing to their having improved a part of the lot, or in cases of broken lots lying between their farms, and water, or a public road, or in other cases which appeared to the Governor to require a deviation from the usual course, and also under the regulations of 1831 to indigent settlers recently arrived in the colony.

906. How much land has been disposed of in this way?—I am unable to answer this question, as there has been no distinction made in the books of the office between sales by private contract and sales at public auction.

907. What proportion of the 100,000 acres sold by the commissioner of Crown lands should you suppose has been disposed of in this manner?—Possibly about a tenth.

908. The remainder has been sold by public auction?—Yes.

909. Supposing an individual to arrive from England at the present time desirous of purchasing land, what would be his opportunities of selection; would he be confined to the land returned to you by the surveyor-general, or would he have choice among all the ungranted lands of the Crown?—He would be confined to the lots named in the handbills issued by this department, and which contain only such lands as are returned by the surveyor-general, unless he happened to learn from friends already settled in the country that lots not included in these returns were vacant, in which case, on application to this office, reference is made to the surveyor-general's office, when, if such lot prove to be vacant, a requisition would be made that the same might be returned to this department, when the lot would be put up at the ensuing sale.

910. This proceeding must have involved considerable delay and trouble to the emigrant?—It unquestionably did, but cannot now be remedied until the returns called for by the present commissioner of Crown lands are furnished.

911. But it would never have existed if the instructions of 1827, requiring the commissioner of Crown lands to ascertain the nature and particulars of all the Crown property within the province had been acted upon?—Of course it would not; this delay will, however, be avoided for the future, by the appointment of the present commissioner of Crown lands to the office of surveyor-general.

912. But even now, after an emigrant has been at the trouble and expense of ascertaining the advantages of any particular lot, he is liable to be overbid by a speculator, who may be tempted to bid for the lot because he sees that a *bond fide* settler is desirous of purchasing it?—This is the case, and it is one of the injurious effects of the system of selling



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selling by auction, which, in my opinion, has worked very disadvantageously to the province, and is not at all calculated to attract emigrants.

913. Has the system of selling by auction any effect in increasing the average produce of Crown lands?—I do not think more is obtained by auction than would be obtained if the lands were sold at a fair fixed price; and, in fact, the system of auction has a tendency to deter purchasers, and to diminish the actual revenue derived from this source; I do not know of a single advantage obtained from the system which might not have been obtained equally by sale at a known fixed price; the system of auction was probably introduced to prevent favouritism, but this might equally have been secured by other means.

914. And since the establishment of this system, nearly a twenty-fold quantity of land has been disposed of by free grant, to which no security against favouritism was attached?—So I understand.

915. Are there any difficulties or delays in the way of obtaining patents for lands upon which all the instalments have been paid?—I do not know that there are; a certificate is issued from the office of the commissioner of Crown lands immediately upon the payment of the last instalment, directed to the surveyor-general, upon which the description issues to the secretary of the province where the patent is granted; it is then sent to the office of the attorney-general for the signature of that officer, and is then ready for the signature of the Lieutenant-governor, when the patent is ready for delivery.

916. How much time is occupied in all these processes?—It is quite uncertain; I have known instances where the party remained in Toronto and went himself from office to office; it has been obtained in one or two days, but in other cases it has remained for a week to a month, or perhaps more, according to the business of the different offices at the time.

917. With ordinary diligence, might it be obtained in a week?—Yes, generally.

918. In the return that has been given in from the commissioner of Crown lands office, the receipts on account of the sale of land are stated at 33,858*l.*; is this the amount that has been actually paid into the hands of the receiver-general?—No, it is the gross amount received.

919. To what deduction is this amount subject?—To the salaries of agents and clerks, and necessary contingent disbursements of the department.

920. Under what authority are these payments made out of these receipts?—Under that of the instructions of the Lords of the Treasury, put in in answer to a former question.

921. Then the whole of this amount, after deducting these items, has been so paid to the receiver-general?—It has been in the case of Mr. Sullivan.

922. The whole of the sales of Crown lands since the appointment of the commissioner of Crown lands have been made subject to payment by instalment, have they not?—Yes.

923. What has been the effect of this practice, as regards the character and means of those by whom purchases have been made?—No doubt it had a bad effect; inducing persons to purchase land, with far less capital and means of improving it, than would have been the case had the whole amount of the purchase-money been required to be paid down; and it has induced persons to purchase, whose means were so limited as to leave them without the means of providing for their families; who have then been exposed to the greatest hardships for years. The small amount of the instalment, especially in the case of clergy reserves, induces persons of this class to purchase more land than they can conveniently pay for; and they are further encouraged by the knowledge of the fact, that Government have never taken any steps to distress persons who have paid one instalment, whether of a fourth, as in the case of the Crown, or a tenth, as in the case of clergy reserves, on account of the remainder. I think it would be a considerable improvement to the system, if the price of Crown lands was diminished, and the whole of the purchase-money required to be paid down.

924. Have there not been directions issued from the Colonial Office, directing that the whole of the purchase-money should be paid at once?—Yes; such a despatch was received during the administration of Sir F. B. Head, but it was received during the great commercial pressure in this country; and from that cause, as well as others to which I have referred, such as the expectation of the public that land would be granted upon more advantageous terms than formerly, the commissioner of Crown lands was instructed by the Government, not to act upon the regulation until further orders.

925. The commissioner has the power of fixing the prices at which Crown lands shall be put up?—He has virtually, but he cannot determine the price at which land shall be sold, as he is compelled to put it up for sale by action.

926. Was there not an act of the provincial legislature, introducing new regulations for the future disposal of waste lands, the property of the Crown?—Yes, such an act was passed in the session of 1837, which was reserved for the royal assent, and to which such assent has been since given; but the same has not gone fully into operation, in consequence of instructions received from Lord Durham; it was the less necessary, since the emigration this year has been very trifling, and very few applications, indeed, have been made for land.

927. In what way will this act affect the duties of commissioner of Crown lands?—The principal object of that act appears to have been to benefit the speculators in U. E. rights, and to curtail the necessary discretionary power which should be vested in the head of a department; the first object was accomplished, by authorizing the issue of a patent in the name of an assignee, instead of the U. E. claimant, as formerly; and also admitting the claim

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claim of the assignee to a remission of 40 l. upon each right, in the purchase of public lands, whether Crown land, or clergy, ordnance or Indian reserves. It directs the appointment of agents in each district in the province, however small may be the quantity of public lands in the district, to whom all payments are to be made, and for whose due application of such payments the commissioner of Crown lands is made responsible; the securities which they are required to furnish being to him and not to the Government.

928. In what way are the agents to be remunerated?—By a per centage on the sales they may effect.

929. This would amount to a very small sum, would it not?—Very small.

930. Then it may be presumed, that few persons would be found to take the situation, for the sake of the emolument only?—I should think so.

931. Have these agents any power of locating claims for themselves or their families?—They have, and I should think this might be a reason for their taking the office; in connexion with the favour and patronage which such an office might give, which would be very great; indeed, their powers, as defined by the act, would leave the commissioner of Crown lands at Toronto, a complete cypher, placing him in the condition of an accountant, bound to audit the accounts of the commissioners for the provincial legislature.

932. What are the duties of the commissioner of Crown lands, as agent for the clergy reserves?—To ascertain the value of such lots as are under lease or occupation of individuals, and to sell the same upon application of the persons settled thereon; fixing the upset price to vacant clergy reserves, and selling the same by auction in the district where the lots are situated; receiving the amount of purchase-money, and accounting therefor to the Governor in council. The principal of the purchase-money, as it is received, is paid into the military chest, under instructions from Lord Goderich, and the interest is paid to the receiver-general.

933. Of what do these clergy reserves consist?—As I understand it, of one-seventh of the lands in the different surveyed townships in the province; at least I should judge this from the returns from the surveyor-general's office, which consist of one-seventh of the lands in the surveyed townships.

934. The reserves are offered for sale under an Act of the Imperial Legislature, are they not?—Yes, they are.

935. What proportion of them is the agent for clergy reserves authorized to sell?—One-fourth part, at not more than 10,000 acres per annum.

936. How much has been returned to the agent for clergy reserves, as the whole amount of such reserves?—Upwards of 2,350,000 acres.

937. How much of these have been disposed of in the whole?—Four hundred and sixty-six thousand seven hundred and forty-two acres up to June last, and 6,363 acres since that time; making 473,105 acres in the whole.

938. So that there are at the present time 120,000 acres yet to be disposed of before the amount which the Act authorizes the agent to sell will be exhausted?—Yes, there are; but about 157,000 acres of the total amount given above has not yet been surveyed.

939. In what manner are the reserves sold, by auction or by private contract?—They are sold, the vacant lots by public auction, the leased and improved lots by private contract, to the persons by whom they are occupied and have been improved, under the authority of an order in council, the parties so admitted to purchase producing documentary evidence of their right to pre-emption.

940. Of the 466,000 acres sold, what proportion was improved or on lease?—I am unable to answer this question, as in the official books no distinction is made between occupied and unoccupied lots, nor between private sales and sales by auction.

941. What is the total amount for which the land has been sold?—£.317,134. 8s. 1d.

942. How much of this has been received?—£.117,555. 14s. 7d.

943. Leaving a balance of £.199,578. 13s. 6d. still due?—Yes.

944. Is any difficulty found in collecting the instalments for clergy reserves as they become due?—Yes; a great proportion of them have been allowed from the commencement to remain in arrear, and for the last year and a half a greater proportion of arrearages have occurred owing to the pressure of the times; this will not appear by the accounts of the sums received as given above, but this is accounted for by the fact that several of the purchasers have paid their purchase-money and obtained their land before the instalments became due.

945. Do you know what is the ultimate disposition of the monies received on this account?—I have understood it is vested in the English funds, for the benefit of the clergy for whom these reserves are made.

946. Has not this been as yet practically for the Episcopal clergy?—I cannot say from my own knowledge, but I have understood so.

947. And this is the general understanding throughout the province, is it not?—Yes, it is, as far as I have observed.

948. Has this appropriation of the whole proceeds of these reserves produced any, and if any, what feeling adverse to the political tranquillity of the province?—I have reason to believe that it has produced a feeling of jealousy amongst the different religious denominations, and more especially the Presbyterian congregations, which has naturally tended to disturb the political tranquillity of the province.

949. In what manner are the timber duties collected in this province?—The usual practice has been to grant licenses to applicants for the privilege of cutting timber upon Crown lands, for a certain quantity specified in such a license; a bond is at the same time taken

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from the parties obtaining such license for the payment of the Crown dues thereon, and the raft, on reaching Quebec, is made liable for the payment of the dues, which generally amount to more than that specified in the license; the parties having cut more timber than their license authorized.

950. But this applies only to timber sent down the St. Lawrence; is there no timber cut in any part of the province which is not sent by this channel?—There is a small quantity of timber cut in townships laying remote from the St. Lawrence, in the interior, which is sawn up in the neighbourhood, and upon which it is found generally impossible to collect the duty.

951. Is there no timber of this sort sent into the States?—Not that I am aware of; the principal timber trade is upon the Ottawa river; a collector is appointed at Bytown to ascertain the amount of duties upon the timber which passes the place. Timber cut upon the Crown lands in other parts is in such small quantities, that it is difficult to discover whether it has been cut upon Crown land or not; the expense of collection would be far greater than the receipts.

952. What has been the gross amount produced by these duties since the appointment of the surveyor-general of woods and forests?—Up to the 30th January last it had amounted to 38,085 *l.* 4 *s.* 11 *d.*; since then there has been received 4,763 *l.* 4 *s.* 3 *d.*; to this must be added 8,567 *l.* 13 *s.* 6 *d.*, which the late collector of timber duties at Bytown, Mr. Sheriff, remained in default to the late surveyor-general of woods and forests up to the 10th of May 1837, when he retired from office; as also a sum of 1,080 *l.* 7 *s.* 8 *d.*, which the same collector was in default to the present surveyor-general of woods and forests. The present surveyor-general dismissed Mr. Shirreff as soon as his accounts could be made up, having previously placed the present collector, Mr. Stephenson, in charge, to prevent any further defalcations.

953. Was the whole of the amount received by the late surveyor-general duly accounted for?—I cannot state; the books of this office do not show how the account stands at present.

954. How did they stand when he left the office?—The last account current of Mr. Robinson was, I understand, rendered after he left the office, and is not entered in the books of this department, so that I am unable to answer this question.

955. Then you have no account for the year he left office?—None for 1836.

956. Nor for the beginning of 1837?—Not his account with Government.

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Honourable Robert Baldwin Sullivan, Member of the Executive Council.

957. YOU are, I believe, commissioner of Crown lands, surveyor-general of woods and forests, agent for the sale of clergy reserves and surveyor-general?—Yes, I am.

958. Most of these offices are of recent creation?—Yes; previously to the appointment of Mr. Robinson, the whole business of the land-granting department was conducted by the surveyor-general; the office of commissioner of Crown lands was then appointed; then the appointment of surveyor-general of woods and forests was made and conferred upon the same gentleman. The duties of this office are principally the collection of duties paid on licenses to cut timber; shortly afterwards, the Act of Parliament by which the sales of a specified portion of the clergy reserves is authorized was passed, and under that Act Mr. Robinson was properly, as I think, as it was a part of the sale of lands, appointed as an agent for the sale of these reserves. Upon his resignation of the offices of commissioner of Crown lands and agent for the sale of clergy reserves, I was appointed to these offices.

959. What was the salary and emoluments of this office?—The commissioner of Crown lands, by his instructions, was authorized to receive 500 *l.* per annum, and also a per centage upon all sales of Crown lands effected by him, until the sum should have amounted to 1,000 *l.* per annum; he also received 500 *l.* per annum as agent for the sale of clergy reserves. I obtained the two offices; was to receive 500 *l.* as commissioner of Crown lands, without any per centage, and was to receive 500 *l.* as agent for the sale of clergy reserves. I have since been appointed surveyor-general of woods and surveyor-general; I perform the same duties in relation to Indian reservations, without any additional emolument. This consolidation of offices took place, partly on account of representations from the Home Government of the inutility of so many offices to perform what was in most respects the same duty, and partly in consequence of a report from the House of Assembly.

960. Under these appointments you have the whole superintendence of the Crown property in this province, as regards the sale and location of Crown lands, selling of licenses to cut timber; and you also have the exclusive management of the sale of clergy reserves?—Yes, I have.

961. By what regulations are you guided in the performance of these duties?—I am guided in the disposal of Crown lands by an act of the provincial parliament passed during the last session, by various orders from Her Majesty's Government received from time to time, and by a series of orders in council passed since the first settlement of the province; as agent for the sale of clergy reserves, I am guided by the act of the provincial parliament authorizing their sale, and by orders in council.

962. By the instructions given to Mr. Robinson, put in by Mr. Thornhill, the first instalment on account of the purchase-money is required to be paid down; this practice has not, however, been generally observed since your appointment, has it?—It has not been followed, because the sales have taken place simultaneously in different parts of the country, and I would not be accountable for the receipts of money by the persons appointed to sell; a reasonable

reasonable time is allowed by me for the payment of the money into this office, upon which an official receipt issues, and I have not treated the parties as acquiring any right until this payment is made. In the few sales which have taken place in town, I have directed the money to be paid on the same day into the office, and have attended myself for the purpose of receiving the money in case of any dispute; the Act of Parliament, however, to which I have referred, relieves me from this difficulty; since it directs payment to be made to the agents, who are to give securities.

963. But does not this act supersede all other regulations in respect to the sale of Crown lands?—Not altogether; it was not the intention of the parliament that this should be the case; certain commissioners had been, I believe, appointed by the House of Assembly of New Brunswick to negotiate with Her Majesty's ministers on the subject of the casual and territorial revenue of that province; a draft of a bill was made in London, with the concurrence of the Home Government, by which all disposition of Crown lands, otherwise than by sale by auction, was declared to be void; this Act was sent out to the Lieutenant-governor of the province, with directions that the subject should be submitted to the colonial legislature, and that they should be invited to legislate upon it with a view to the relinquishment of the Crown revenue to the disposal of the provincial parliament. The House of Assembly did not desire to abrogate all rights to land and pledges of the Government in the sweeping way proposed by that act; they passed the present modified bill, still leaving the claimants upon the Government the enjoyments of their rights, and to the Governor in Council the discretion given in the act, at the same time introducing such popular changes in the former system as they thought fit.

964. But this Act continues the system of sale by auction; are there any particular advantages connected with this system to overbalance the delay and uncertainty which appears to attend it?—The circumstances of the different parts of the province as locally affected by settlement and the consequent value of land, makes it difficult to give a general answer to this question. When lands are in the immediate neighbourhood of or surrounded by settlement, much discontent and many charges of favouritism are avoided by public competition. But this advantage, speaking of it as a general system, is far more than counterbalanced by the delay which takes place in the acquisition of lands by persons desirous of purchasing it, and by the impossibility of selecting in anticipation the lands on which individuals desire to settle. In my opinion, were it thought expedient that the local Government should be so far trusted, certain lands ought to be open for public competition; and in cases where large quantities of land were for sale, and no competition is likely, a certain price should be fixed, at which any persons should be able to acquire land on application. It is impossible to advertise all the vacant lands in the province for sale at one auction; and in any selection that can be made, lands upon which individuals may have fixed their attention are often unavoidably omitted, so that a freedom of choice to settlers is prevented, without any advantage to the Government; and I know of no instances in which, in the sale of large tracts of land, a greater sum than the upset price has been obtained, however low that upset price may have been. The bidders at these sales generally consider it a duty they owe to each other not to bid up these lands when there is so much choice; so that, in fact, the system of sale by auction is a cumbrous dead letter, from which the public receive no advantage, while the settlers are seriously delayed in their locations. The expenses of a man's family, even for one month, will amount to half, and in many cases to the whole of the purchase-money of a Government lot, and he may remain for several months before the lot he has selected can by possibility be put up, if the publicity required in any sale by auction is to be given. In my opinion it should be left to the local Government to decide what lands should be open to competition, and that this competition ought to be allowed in all cases where it was really probable it would occur, and it should also be left to the same authority to say what were the cases in which sales should take place at a fixed price, and that this should be the case where real competition was not probable. As respects the clergy reserves, which are generally valuable from lying scattered through the settlements, a good deal of competition is likely to take place at a public auction, and this probably would have been the case equally with the Crown reserves, had the same not been sold to the Canada Company.

965. Would not this, however, cause the evils of delay and uncertainty which you have described as resulting from the system of auction in respect of these lands, which it is most desirable to settle at once?—It will no doubt in some degree; but there is no other means of avoiding charges of favouritism which may be made, and which nothing but an actual trust in the integrity of the officers of Government, not liable to be shaken by the misrepresentations of interested or disappointed individuals, would enable those officers to withstand. The evil, however, is not of so great an extent, as these lands are so valuable as to be worth waiting for a certain time; and, on the other hand, they may be of such very great value to persons in the neighbourhood that it would be unjust to them not to allow them the opportunity of competing in the purchase. It might also be obviated by a rule of setting these lands up to sale in the first instance by auction, and if not then sold, afterwards selling them at the upset price.

966. Your objections to the system of selling at a fixed price seem, however, rather to apply to the opinion which might be formed of the officers of Government than to any evils to be produced by such a system to the public?—With the best intentions an error may be committed in the valuation of a lot of land, and it would not fail to be set down to corrupt motives; but, generally speaking, a fixed price would work well for the public interest. I do not mean by this an uniform fixed value on all the lands in a province, district or township;



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township; because, in some cases, individual lots should be valued according to those circumstances which give value to lands, and which vary almost infinitely, and it should be left to the local authorities.

967. But would not this especially expose them to the charge of favouritism?—Possibly it would; but I am supposing that confidence should be placed in the Government.

968. You have read the evidence given by Mr. Thornhill; do you agree with him as to the effect which he has described as being produced by the practice of selling land, and allowing the purchase-money to be paid by instalments?—Where the object of the sale of lands is revenue, and the lands are valuable from being surrounded with settlements, the system of selling by instalments appears to me to be a very good one, because an industrious man can pay for his land out of their proceeds, and at the same time increase the value of his lot incalculably; or he can at any time sell his land at its improved value, and thus pay the principal and the large interest of six per cent. without any great inconvenience to himself; and from the lands being scattered, there is no probability of the combination of the purchasers against the claims of Government, which always takes place where lands are disposed of to a whole community, on credit, and when, because the whole community are debtors, they unanimously resolve not to pay. But as respect sales in remote places and new settlements, the effort to raise from the land itself the means of paying the purchase-money is generally unsuccessful. The improvement in the value of land is very much more than the original value as wild land, but in this improvement the exertions of the settler are generally expended, so that a man may be very industrious and successful, and become the possessor of a valuable property, and at the same time be quite unable to pay the purchase-money of the land by the sale of the produce he may raise upon it. In this case, if he owes a debt to the Government, it is almost hopeless to attempt to pay it, and he becomes a discontented person; he can neither be expected, within any reasonable time, to pay his instalments, nor to remain contented without a title to his land and improvements.

969. A considerable part of the purchase-money of Government land is still in arrear, is it not?—It is.

970. Have any attempts been ever made to obtain the payment of these arrears?—No, there have not; and in some cases I am afraid that it will be necessary to give them up; you cannot attempt to eject a whole community.

971. You are aware of the practice which has been pursued of setting apart one-seventh of the waste lands of the province for the support of a Protestant clergy; has it occurred to you that the portion thus set apart is larger than that directed to be made for this purpose by the Constitutional Act?—The Constitutional Act directs that a portion equal to one-seventh of the granted lands should be set apart and specified in the patent granting such land; this would actually not amount to one-seventh of the whole lands of the province; a proportion of one-eighth, I think, would be the legal reservation.

972. What has been the actual practice in specifying the reserve in the patents?—The reservation in each patent has never amounted to more than one-seventh of the quantity of lands granted by the same patent.

973. And would you not consider that, under the Constitutional Act, the portion thus specified is all that can be properly considered as clergy reserves?—Land is not legally a clergy reserve until it is legally specified in the patent; it has merely been designated as thus for the convenience of having it at hand where descriptions for patents were to be made out.

974. The practice, however, has been, has it not, both with the surveyor-general and with the agent for the sale of clergy reserves, to treat all this appropriated land as clergy reserves?—I find that the practice has been to treat the unspecified as well as the specified as clergy reserve.

975. But the Constitutional Act gives no authority for treating as clergy reserves any land that is not specified?—Certainly not; but I think no inconvenience can result from it, as it is a matter which depends upon calculation, and can be settled at any time.

976. Has any inconvenience been found to result from making these reserves?—The making the Crown and clergy reserves has caused the lands, in many instances, to remain vacant, and has added eventually to the greatest evil under which this country has been labouring, that is, the intervention of unsettled lots in the midst of settlement, and the consequent scattering of the population, and increase in the difficulty of providing the means of communication through the country.

977. There has been an Act authorizing the sale of the clergy reserves; has that put an end to the evils resulting from this cause?—The clergy reserves are very much sought after at present, because of their being interspersed amongst the settlements, and the sale of them, so far as it has gone, has tended to remove the evils I have described; but, as agent, I am restricted to the sale of one-fourth of the clergy reserves, which one-fourth is now nearly exhausted.

978. So that the Act in question will afford a very incomplete cure for the evils thus occasioned?—Very incomplete, indeed.

979. In this manner, therefore, the reservation of this portion of the land for the support of the clergy, appears to have been productive of injury to the country, by obstructing its progress in wealth, and wasting the resources of its inhabitants. Has the manner in which the proceeds of these reserves have been appropriated to the support of one church only, produced any and what feelings adverse to the harmony and tranquillity of the province?—It has produced a great deal of discussion and agitation of late years, both in the legislature and upon popular feelings; one party have been satisfied with it, and another against it, and both

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both sides have maintained their cause with the violence and heat which always attend discussions into which religious differences are introduced.

980. Crown reserves are, I believe, no longer made?—They are not any longer made in effect, and those which have been made, and which have not been disposed of to the Canada Company, have been disposed of, or are open to disposal in the same way, as other parts of the Crown domain.

981. Have the evils which you have described as resulting in former times from the Crown, as well as from the clergy reserves, been put an end to by the sale to the Canada Company to which you have referred?—So far as the Canada Company have sold their reserves, this has been done.

982. Are you aware to what extent these sales have been made?—No; I am not.

983. What effect has been produced upon the settlement of the province by the sale to the Canada Company of these reserves?—The effect promised by the institution of the Canada Company was the promotion of emigration and the improvement of the territory ceded to the company; they making it fit for settlement, and thus developing the resources of the province. The improvement of the territory has not however been promoted in the case of the reserves, because they are scattered as the clergy reserves are throughout the settlements; so that the company could not be expected, and did not make roads or other communications to them; the sale has consequently been solely one of speculation, the company purchasing at a very low rate, and selling at a very great advance. I think that if the lands were to be disposed of by Government at a low price, the encouragement to emigration would have been greater had they been so disposed of to individual settlers; and if revenue was the object of sale, the prices which have been obtained for clergy reserves will show that this object would have been obtained with a quadruple effect by a sale to individuals at what the land would fetch. I think the sale of the Crown reserves to the Canada Company has had a mischievous effect upon the grants to officers who were encouraged to emigrate in the hope of receiving, at the hands of Government, a place upon which they and their families could reside. The intentions of Government have in fact been rendered, in a great measure, abortive. Had the sale to the company not taken place, these settlers could have been permitted to take locations in the midst of settlement, and in the neighbourhood of schools and places of worship, and they, consequently, would have resided upon their grants, where their residence would have had a great beneficial effect upon the province. Since the allowance to officers has been changed from grants of a certain number of acres of land, without reference to situation or value, to an allowance of a certain amount of value in land, the saving of land to the Government would have been very great, inasmuch, as instead of receiving 1,200 acres in the back woods, at 5s. per acre, for 300*l.*, he would have been glad to receive, in many cases, 300 acres of these Crown reserves, at 1*l.* per acre; in the latter case he would have resided upon his grant, and improved the country, and increased its resources, while in the present case he is not able to reside, and it remains a wilderness, in the way of any effort of the Government to improve the neighbouring country. In many cases when officers have attempted settlement in the back country on these large grants, they have been impoverished and discouraged, and their families placed beyond society, and without any means of education.

984. Was not an attempt made to found a settlement of officers thus entitled to grants or remission in the neighbourhood of Lake Simcoe?—Yes, and in other parts of the province.

985. What has been the result of these attempts?—In many instances very unfortunate up to this time; the settlers have undergone innumerable privations, from which, however, a better state of things and increased emigration may relieve them.

986. Have not many of these individuals been compelled to abandon their locations?—Those who had the means of purchasing land in the settlements, and who had not exhausted their means in the attempt to settle in the back country, have, in a great many instances, purchased land near the frontier. Those whose means were exhausted by their attempts to improve their grants still continue to struggle against the difficulties of their situation.

987. You have stated that increased emigration might relieve individuals thus circumstanced from the difficulties of their present position; what means are there at the disposal of Government to encourage or promote such emigration at the present time?—The question of the appropriation of the hereditary revenue of the Crown has caused the cessation of all outlay for this purpose, and left the Government without funds at its disposal, either to encourage emigration or to make the country fit for settlement on the arrival of emigrants. When settlement was confined to the frontier along the banks of navigable rivers, or on the shores of the lakes, the intervention of Government to form or to maintain the means of communication was not necessary. But now that settlers have to go into the back country, it is in the highest degree necessary that this should be done.

988. But as one of the chief inducements to emigrate is the hope of obtaining land, and as there does not appear to be more than about 1,000,000 acres, and that chiefly of inferior land, at the disposal of Government, the Crown is deprived of the principal means of encouraging emigration?—In addition to the 1,000,000 of acres in the surveyed districts, there are about 3,000,000 acres of very superior land well situated for settlement, the Indian possession of which has been recently relinquished to the Government.

989. But even with this acquisition the quantity of land at the disposal of the Government is not equal to half the waste land in the province, the property of private individuals?—In addition to this, however, there is, I believe, a very large tract of land in the province which has been located since the early settlement of the province, but which has not been patented,

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Hon. R. B. Sullivan.

patented, and which either never has been settled, or the settlement of which has been abandoned, and which has consequently devolved to the Crown. As respects the lands in the hands of individuals, they are to be obtained upon very low terms, perhaps quite as low as the Government would be disposed to sell its lands; so that the inducement to emigration may be more easily ascertained by a comparison of the actual population of the province with its superficial extent, considering the province as generally fertile as far north as the latitude of Quebec, than by any comparison with the actual surveyed townships or the lots of land still in the hands of Government.

990. Have the casual and territorial revenues, including the entire produce of the sales or land been given up to the provincial legislature?—They have been offered to the provincial legislature on condition of its providing a permanent civil list. This condition has not, however, been complied with; the question still remains open.

991. If this offer had been accepted, the Home Government could have had at its disposal no means of improving the country?—The Government would have had no means, independently of the legislature; and the unpeopled part of the country not being represented in parliament, the probability is that the improvement of the back country would be almost neglected. It has always appeared to me that the legitimate means for the improvement of the Crown domain are the revenues produced by its disposal. I think they might be more advantageously employed in this manner than by any appropriation for general purposes.

*Anthony Borden Hawke, Esq., Chief Agent for Emigrants in Upper Canada.*

A. B. Hawke, Esq.

992. WHAT have been your opportunities of becoming acquainted with the circumstances affecting the employment and settlement of emigrants in Upper Canada?—I have resided in the Canadas for nearly twenty-two years, and have held the situation of chief agent for emigrants since 1833. I have also been a magistrate during the last 12 years; I have consequently been brought a great deal in communication with the people of the country. Since I have been chief agent we have opened and partially settled 23 townships.

993. What is the nature of your duties as emigrant agent?—To furnish emigrants with information as to routes, distances and rates of conveyance to different parts of the province; to point out the Crown lands offered for sale in the several districts; to furnish free passage and assistance to indigent and pauper emigrants, and to enable them to proceed to places where they can obtain work, and where employment is scarce, to occupy them in opening roads, clearing lands, erecting shanties, &c. I have also to correspond with and issue instructions to the local agents who have charge of the different settlements, and to examine and report upon their accounts.

994. What have been the number of emigrants arriving in this province since the year 1829?—The numbers that have arrived in Quebec have been, in the year 1829, 15,945; in 1830, 28,000; in 1831, 50,254; in 1832, 51,746; in 1833, 21,752; in 1834, 30,235; in 1835, 12,527; in 1836, 27,728; in 1837, 21,500; in 1838, 2,702; making a total of 263,089; of these 175,390, or two-thirds, came to Upper Canada.

995. What were in general the character and circumstances of these emigrants?—The emigrants may be divided into three classes: those who are possessed of capital; those who are in indigent circumstances, but have emigrated on their own means; and the pauper emigrants, who are sent out by their parishes. In the years 1832, 1833 and 1834, a considerable portion of the emigrants consisted of the first class. Since 1834 the number of emigrants possessed of capital has been very inconsiderable, and the emigrants have consisted almost entirely of the two latter classes. In 1834 the proportion of pauper emigrants were one-eleventh, in 1835 one-eighth, in 1836 one-fifth, and in 1837 about two-sevenths.

996. For what proportion of the emigrants have you found employment?—It would be extremely difficult to answer this question; but probably it has never exceeded one-twentieth, and these have generally been those who have arrived late in the fall after the harvest.

997. In what manner have the remainder found employment?—A small proportion have found employment in the public works, but the great majority have been engaged by the farmers and mechanics through the province.

998. What funds have you at your disposal for forwarding and relieving emigrants, and for the employment of those emigrants who cannot obtain employment from private individuals in the province?—The Government is empowered by a despatch of the Secretary of State for the Colonies to expend out of the casual and territorial revenue the sum of 5,000 £ sterling per annum for these purposes.

999. What amount has actually been expended in each year under the authority of this despatch?—In 1831 the expenditure amounted to 5,720 £ currency; in 1832 to 18,820 £. During these two years the emigrant department was under the superintendence of the commissioner of Crown lands; in 1833 I was appointed agent for emigrants, and the expenditure has since been as follows: In 1833, 2,686 £; in 1834, 4,530 £; in 1835, 4,743 £; in 1836, 2,720 £; in 1837, 2,273 £.

1000. In what manner was the large expenditure of 1832 produced?—In consequence of the appearance of Asiatic cholera, the people of the country were afraid to employ the emigrants, as they supposed the disease to be contagious, consequently the Government was obliged to find work for them at the public expense; it was also needful to erect hospitals for the reception of the sick who were very numerous, and this formed a considerable item in the year's expenditure.

1001. As a general rule, however, I understand from you that the emigrant labourer finds little difficulty

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A. B. Houts, Esq.

difficulty in procuring employment?—There is generally very little difficulty except with those who arrive late in the fall; more difficulty was experienced last year in consequence of the derangement of the monetary system of the colony.

1005. In what state as to health have the emigrants generally been on their arrival in the province?—Emigrants who enter the province by the way of the St. Lawrence, in consequence of being exposed in open boats, are frequently indisposed on their arrival at Prescott, where however there is an hospital provided for their reception; the proportion however of those who are so indisposed is small; the expenses of last year at Prescott, Kingston, Hamilton and Toronto for medicine, medical attendance and comforts for sick emigrants, did not amount to more than 250 *l.* for an emigration of upwards of 21,000 persons, the majority of whom were in indigent circumstances.

1006. Of the emigrants who have arrived in the province during the last 10 years, what proportion do you suppose have remained?—I should say at least three-fourths; of the remaining fourth a great proportion have probably settled in the States, and some have returned home; the public works which are constantly being carried on in the United States offer considerable inducements to a certain class of emigrants.

1007. How long do these indigent emigrants to whom you have referred generally remain in the condition of labourers?—With the more prudent of them it generally happens that in the course of two or three years they have money enough to pay the first instalment on a Government or Canada Company lot, or to purchase a small quantity of land of some private person; this is the course generally pursued by those who are not settled in towns or employed on public works.

1008. You say many of these emigrants contrive to pay an instalment on a Government or Canada Company lot; what proportion of the whole purchase-money does this instalment generally form?—Crown lands, and lands belonging to the Canada Company, are sold upon the following conditions; viz. one-fourth of the purchase-money is required to be paid down, and the remainder with interest in three annual instalments; on clergy lands one-tenth is required to be paid down, and the remainder in nine annual instalments with interest.

1009. What prospect do you conceive that an emigrant labourer, who has purchased in this manner, has of paying the remaining instalments out of the produce of his farm?—My attention has been most particularly directed to the settlers who purchase of Government, and it is my opinion that very few persons of this class succeed in paying the remaining instalments; I might mention, as an instance of the effects produced by the method of taking payment by instalments, that in 1832 a number of settlers who had been sent out by the Petworth Committee were located in Adelaide and Warwick, on 100 acres of land each, which was valued at 10 *s.* per acre, they were to pay the first instalment in three years with interest; provisions and implements were furnished by the Government, for which acknowledgments were taken, in which they engaged to repay the amount before receiving the patent of their lands; there has not been a single instance in which they have fulfilled their engagements from their labour, or the produce of their lands; there have only been two instances in which any payment has been made; in these cases the individuals have sold their improvements to wealthier settlers. In the Bathurst district a number of indigent settlers were located upon free grants of lands, to whom the Government made advances of provisions and implements, taking acknowledgments for the amount thus advanced; the whole of this sum, amounting to nearly 30,000 *l.* currency, has been abandoned by Government; and not to dwell upon these perhaps exceptional instances, I believe that in fact a very large proportion of those who have purchased land of Government have not paid their instalments as they became due.

1010. Do you know if any means have been adopted to enforce the payment of such arrears?—I believe not in a single instance.

1011. The individuals who purchase land in this manner, and have paid only the first instalment, have not however obtained a satisfactory title to their land?—They have not; the deed never issues until the whole of the instalments with the interest has been paid up.

1012. Are sales of property thus circumstanced recognized by Government?—Under an act of the last session of the provincial parliament a transfer of these rights has been authorized.

1013. These settlers, however, although hitherto permitted to remain upon their lands, are of course liable to be ejected at any moment by the Government, and can have no security from year to year?—This may not be done, in which case they would necessarily lose the benefit of their labour?—They are so.

1014. What effect does this state of uncertainty as to the ultimate enjoyment of the fruits of his labour produce upon a settler?—It naturally has, in many instances, a most disheartening operation, especially in the case of the poorer settlers. As an individual of this class finds the instalments, with interest, accumulating on him, he is apt to despair of ever being able to pay for the land, and is induced, in many instances, to abandon his improvements, or sell them for a trifling consideration. Another great disadvantage which appears to me to result from this plan of selling by instalments, is the creation of a class of national debtors.

1015. Then you imagine that the plan of selling land by instalments, and thus encouraging individuals prematurely to become settlers, is neither beneficial to the individual nor to the province?—Yes, that is my opinion; I think it has the effect of converting a number of useful labourers into indigent and useless farmers, who from want of capital are unable to bring their lands into cultivation.



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A. B. Hawke, Esq.

1013. In addition to the difficulties under which these individuals labour, from want of capital, are there no other difficulties arising from the manner in which the lands in the province have been disposed of by the Government?—There are many other difficulties.

1014. Will you be so good as to describe the nature of these difficulties?—The principal evils to which settlers in a new township are subject result from the scantiness of population. A township contains 60,000 acres of land, one-seventh is reserved for the clergy, one-seventh for the Crown, consequently, five-sevenths remain for the disposal of Government, a large proportion of which is taken up by grants to U. E. loyalists, militia-men, officers and others; the far greater part of these grants remain in an unimproved state; these blocks of wild land place the actual settler in an almost hopeless condition; he can hardly expect during his life-time to see his neighbourhood contain a population sufficiently dense to support mills, schools, post-offices, places of worship, markets or shops, and without these civilization retrogrades; roads, under such circumstances, can neither be opened by the settlers, nor kept in proper repair, even if made by the Government. The inconvenience arising from want of roads is very great, and is best illustrated by an instance which came under my own observation in 1834. I met a settler from the township of Warwick, on the Caradoc plains, returning from the grist-mill at Westminster, with the flour and bran of 13 bushels of wheat; he had a yoke of oxen and a horse attached to his waggon, and had been absent nine days, and did not expect to reach home until the following evening: light as his load was, he assured me that he had to unload, wholly or in part, several times, and after driving his waggon through the swamps, to pick out a road through the woods, where the swamps or gullies were fordable, and to carry the bags on his back, and replace them in the waggon. Supposing the services of the man and his team to be worth two dollars per day, the expense of transport would be 30 dollars. As the freight of wheat from Toronto to Liverpool is rather less than 2 s. 6 d. per bushel, it follows that a person living in this city could get the same wheat ground on the banks of the Mersey, and the flour and bran returned to him, at a much less expense than he could transport it from the rear of Warwick to Westminster, and back, a distance less than 90 miles. Since 1834 a grist-mill has been built in Adelaide, the adjoining township, which is a great advantage to the Warwick settlers; but the people in many parts of the province still suffer great inconvenience from the same cause.

1015. The instance which you have just related is, I suppose, an illustration of an evil of every day occurrence, though not often to the same extent?—Yes, the evil is universally complained of in all newly settled parts of the country.

1016. Which comprises probably the greater part of the province?—I should imagine two-thirds of the surveyed townships are subject to this evil.

1017. This is, however, an evil for which, under the circumstances which you have detailed of the chief part of the land having been placed beyond the disposal or control of the Crown, Government can at present afford no adequate remedy?—It has been suggested that if the statute labour had been commuted for a money payment, a sufficient fund might be raised to put the leading roads in the province in a good state of repair.

1018. Would this be sufficient to provide an effectual remedy to the evil?—I should apprehend not; in the new townships the population is not sufficiently dense to keep them in good order.

1019. And even if this were done only one class of the evils which you have described, namely, those resulting from a want of the means of communication, would be remedied, and the settlers would still be without the means of education for their children, as well as without post-offices, markets, &c.?—I am of opinion that the improvement of the roads would induce many persons to settle on new lands, provided the private individuals to whom the lands belong would sell them at a reasonable rate.

1020. You have stated that part of your duties as emigrant agent is to point out to emigrants the Crown lands offered for sale in the several districts; from what source do you derive your information on this subject?—From the diagrams and maps in the surveyor-general's office, and the reports of the surveyors; I also generally give the parties letters of introduction to the resident agent for the district where they wish to settle.

1021. Are there any complaints of difficulties experienced by emigrants in the selection and acquisition of Crown lands?—Yes; but most of them are inseparable from the situation of the lands offered by sale by the Government; the person wishing to purchase is generally compelled to take a guide, who is accustomed to the wilderness, to point out the lots, but after he has selected a lot, he frequently finds himself outbid at the public auction; this however refers to the system before the recent act of the provincial parliament for the disposal of public lands.

1022. Among the emigrants to this province, has there not been a considerable number of commuted pensioners?—Yes.

1023. What was the actual number?—I am unable to give a precise answer to this question, as they are classed in the surveyor-general's office under the general head of "discharged soldiers," but from the best information I have been able to collect, upwards of 800 came to this province in 1832 and 1833.

1024. What proportion of these do you suppose have settled upon the lands assigned to them by Government?—The major part of them took possession of their lands, but very few continued to occupy them, and even those who continue to reside upon their lands are constantly petitioning Government for assistance, as they are not able to raise sufficient grain to support themselves.

1025. Those

1095. Those who have not settled upon their lands have, I presume, in most instances, sold their grants?—When they succeed in obtaining the deed for their land, they generally sell it.

1096. Will you describe generally the condition and ultimate fate of these individuals?—The plan which the Government pursued with regard to these individuals, was to give them a certain amount in money, and a specified quantity of land; one half of the money was paid to them in England, and the remainder in Quebec or Montreal; with scarcely an exception, all of those who arrived in this province had spent the whole of their money, and were in a state of the greatest destitution; they were sent to their lands at the expense of Government, or employment was offered them for six or eight months; as the expense, however, could not be continued, it was put a stop to, and a great number abandoned their lots and repaired to the town, followed by their families, where many of them continue to reside, and pick up a precarious living by begging and other less creditable means. In order to relieve this city, I was directed by Sir John Colborne, in 1834, to send upwards of 40 persons of this class with their families to Penetanguishene, where they receive rations in the expectation that a time would arrive when they would be able to provide for their own wants; more or less assistance has been granted every year since their landing in Canada, and so far are they from having bettered their condition, that the necessity of relieving them is as imperative as ever. Their distressed situation is to be attributed to their habits and infirmities. They are not able to bring their grants of lands into cultivation to an extent that will supply them with food, or able to earn their bread as labourers, while their habits preclude the possibility of employing them as domestic servants. They are with very few exceptions a burthen to the country.

*Charles Shirreff, Esq., of Fitzroy Harbour, Upper Canada.*

1097. YOU are the owner of a considerable tract of land in the township of Fitzroy?—I am; of nearly 6,000 acres.

*C. Shirreff, Esq.*

1098. In what manner was that land obtained?—On my arrival in this country from Scotland, in 1819, I brought with me an order addressed to Sir Peregrine Maitland, governor of the province, directing a grant to be made to me of 3,000 acres of land; the remainder has been acquired partly by grant and partly by purchase.

1099. Was this grant of 3,000 acres subject to any consideration?—To the usual condition of settlement; that is, of clearing a certain portion of land before the patent issued; and it was not until after performing these duties that I obtained my patent.

1100. Fitzroy harbour was at that time, was it not, considerably above any settlement on the Ottawa?—It was nearly 30 miles.

1101. What was your inducement for locating yourself at that distance from any settlement?—It was partly because I was enabled to obtain my lands in one block, and partly because on account of its position; and possessing water privilege, it appeared a desirable place for the formation of a settlement, which was one of the objects I contemplated in applying for so large a grant.

1102. Did the settlement of the township of Fitzroy proceed with rapidity?—No; its settlement was retarded by the greatest part of the best land in the township being given away, by the land board at Brockville, to persons who were the holders of militia claims, and who were themselves settled in other parts of the country. But for this circumstance, the township must have settled with rapidity, as the land in it is generally good, and its position on the Ottawa affords great facilities for sending produce to market.

1103. Were no precautions taken to prevent so large a portion of any township being taken up in this manner, by persons who made no attempt to settle?—As soon as I was aware of the fact that the land in this township had been so taken up, I applied to Major Hillier, secretary to the Governor, complaining of the injury that would be inflicted on the township by the manner of disposing of the land, and he assured me that positive instructions had been given that no more than one-third of any township should be disposed of in this manner, and therefore that the land board must have exceeded their authority; as, however, the grants had been made, the mischief was beyond remedy. The establishment of the township was, however, for many years almost stopped, and is still greatly retarded by this circumstance; and townships in the rear of this, with no better quality of land, and the settlement of which was begun at a later period, are at the present time thickly settled, while hardly a fourth of Fitzroy can be considered as settled.

1104. But these absentee holders are, I presume, ready to dispose of their land to purchasers upon reasonable terms?—This is the case sometimes; but generally, when they can afford to hold their lands, they are reluctant to sell, under the impression that some improvements will be made in the navigation of the Ottawa, which would give a greatly increased value to the lands of this township.

1105. What effect has the state of things which you have been describing upon the state of the roads in the township?—The small number of settlers in the township have been quite unable to make, I will not say good, but even passable roads during a considerable portion of the year. And owing, I presume, to the scanty population of this part of the country, which prevents them from having any influence in the legislature, the grants for the improvements of the roads have been very small, even in comparison with those in other parts of the country, where a similar necessity did not exist to anything like an equal extent; in consequence of this state of the roads, the settlers in Fitzroy, and the neighbouring townships, will frequently take their grain to mills a considerable distance, although there is a mill in the township to which they would more naturally come if they were able; and the prosperity of the settlers is greatly retarded by the circumstance.

*Evidence.*  
*C. Shierof, Esq.*

1036. Is the township of Fitzroy the only township bordering on the Ottawa in which such a state of things as you have described exists?—I do not know of any other townships which were granted in this way to militia claimants; but in all the townships between Bytown and Montreal, the lands fronting on the Ottawa have been shut up by old military grants, the proprietors of which are absentees, and the land still a wilderness; in this way settlement has been forced up at least 60 miles to places where land still remains in the hands of Government, and is open for location.

1037. I presume that the lands fronting on the river, being in this manner withheld from settlement, must virtually shut out from settlement a considerable tract of land in the rear?—Yes, such has actually been the case.

1038. What, in your opinion, would be the effect of such a tax upon wilderness land as would make it the interest of proprietors to improve it, or dispose of it to actual settlers, and the whole produce of which should be specially applied to improving the communications and facilitating the settlement of the country?—The effect of such a tax would be, in my opinion, to cause a very rapid settlement of the lands upon the banks of the Ottawa, which would naturally spread back upon land at present locked up from settlement by these old unoccupied grants, and would tend very generally to develop the resources of the country; the population of Fitzroy, the greatest part of which is settled upon my grant, would have been probably threefold, had such a system been pursued.

1039. Have any injurious effects been produced in your township by the reserves for a Protestant clergy?—I am not aware that there is any injurious effect, since these reserves at first formed only a portion of the wilderness appropriated land, and they have been practically more open for settlement than land which has been granted to private individuals.

1040. Then a portion at least of the clergy reserves in the township of Fitzroy have been disposed of?—They have.

1041. The settlement of that township was begun 19 years ago?—It was.

1042. What is the population of the township?—About 1,000.

1043. To what religious denomination does the population chiefly belong?—They are chiefly Presbyterians from Scotland and the north of Ireland.

1044. Have any part of the proceeds of the clergy reserves been applied in providing religious instruction for the inhabitants of the township?—No, not in any way.

1045. Does this appropriation of so large a portion of the lands of the township to a purpose from which the inhabitants have received no benefit, produce any feeling of discontent?—I am not aware that it does, further than the general feeling, that these reserves should not be reserved to the support of one church only.

1046. From the evidence given to this commission by Mr. Radenhurst, chief clerk in the surveyor-general's office, it appears that there does not remain at the disposal of the Crown in the surveyed districts more than about 1,500,000 acres; have you, from any circumstances, been led to form any opinion as to the quantity of land available for settlement in the unsurveyed parts of the province?—In addition to a block of land situated to the north of the Canada Company's Huron Tract, and which must contain from 2,000,000 to 3,000,000 acres, there is a large unsurveyed tract between Lake Nipissing and the ridge which runs in a north-east direction from Lake Simcoe, which would contain, probably, from 5,000,000 to 7,000,000 of acres of good land. I have been particularly led to turn my attention to the latter tract of land, in consequence of my having for several years been engaged in endeavouring to carry into effect a plan for making a navigable communication between Lake Huron and the Ottawa, and improving the navigation of that river; were this effected, the latter tract of land would be opened for settlement, and would be nearer to England than any part of Upper Canada to the west of Lake Ontario; in addition to rendering accessible for the purpose of purchase and settlement this large tract of valuable land, the plan to which I have referred would make Upper Canada the outlet for the increasing trade of the fertile regions of the north-west portion of America, which it would at once bring 500 miles nearer the ocean, and would secure to Montreal and Quebec the larger portion of the trade of that region.

1047. From the accounts which you have received, do you imagine that the tract of land in question is, by the circumstances of soil and climate, fitted to maintain a large agricultural population?—From the report of my son, who travelled through this part of the country with a view to discover a navigable communication to Penetanguishene, by order of Colonel By, in 1827, and from traders who have traversed that region in almost every direction, and who concur in expressing the same opinion, I have no doubt that the soil is sufficiently fertile for all agricultural purposes, and the climate and situation healthy. I have no doubt that, to the westward of Lake Nipissing, even to Lake Superior, the country is perfectly fit for settlement and agriculture; in fact, to the north of what has yet been considered the boundary line of Upper Canada, I have no doubt that an agricultural population of several millions might be most advantageously settled.

*William Warren Baldwin, Esq., M.D., formerly M.P.P.*

*W. W. Baldwin,*  
*Esq.*

1048. HOW long have you resided in this country?—Nearly 40 years; I came into this province in 1799.

1049. During your long residence in the province you have had many opportunities of observing the various systems pursued in the disposal of the waste lands in the province?—I have no official knowledge on the subject, but from the occurrences of the times, as they have presented themselves to my notice, I have had those opportunities.

1050. Did

1050. Did not the Government at one time offer to grant whole townships to individuals who would undertake the settlement of them?—Yes, they did.

1051. Will you describe the proceedings that took place in consequence of these offers, and the result which they produced as far as they came under your knowledge?—The only townships I recollect as having been assigned in this manner were those of Markham, Whitby, Hope and Cramahe; the township of Markham was assigned to Mr. Berczy, on condition of bringing 60 heads of families and settling them on the township. The township contained, I believe, about 60,000 acres. Mr. Berczy brought in his settlers, as he informed me, but after having done so, the provincial Government considered that this township system was an unwise method of granting land, and determined not only to refrain from making any more grants for the future, but also to rescind the orders in council in favour of the township nominees. I believe all these nominees, with the exception of Mr. Berczy (who refused it as inadequate to his losses), accepted the compromise offered by the Government, which was, as I understand, 1,200 acres for themselves, and the same to the several members of their families. Mr. Berczy has informed me, that in the formation of the settlement he had expended \$60,000, the whole of which was necessarily a total loss. Some other individuals made great exertions to settle the townships assigned to them, and the result of this township system was to forward the settlement of the country.

1052. When this township system was abandoned, what system was substituted in its place?—I believe the power of granting land was vested in the Governor and Council, and that they gave lands to almost every body who applied for them, without any condition beyond that of paying fees, merely upon a verbal statement that the applicant was going to live in the country.

1053. This statement, I presume, was only required from emigrants?—It was. From those who resided in the country no conditions whatever were required.

1054. The greater part of these grants were made, were they not, to persons who did not settle on their lands?—I cannot give any accurate answer to this question, but I presume it was so.

1055. When an emigrant arrived in this country did he find any difficulty in the selection of his land?—I have frequently heard that individuals did find great difficulty in the selection of their locations, and I can say for myself, that in the location of the 1,200 acres, granted me by an order in council, I was compelled to wait for many years for the completion of my location, in the hopes of making a favourable selection, and I have found that other persons have obtained locations in townships, where I had been given to understand, in the surveyor-general's office, that there were no locations to be had. And, if I, as a resident in the country experienced these obstacles, I can imagine they were felt in a far greater degree by strangers on their arrival. It was generally stated, and believed through the province, though I do not know with what degree of authority, that it was the practice in the surveyor-general's office to put a fictitious name on favourable lots, in order that they might be reserved for some persons whom the persons doing this desired to benefit.

1056. What has been the course of late years?—I do not pretend to say; I have not had any thing to do with the office for many years.

1057. Were there any difficulties in the way of obtaining patents for these grants of land, or any unnecessary delay experienced in passing them through the different offices?—I do not know that there was any more constant subject of complaint on the part of individuals against the Government than the delays of office, especially in connexion with the land granting. It frequently happened to myself, and I believe to others also, that during the time when free grants of lands of small amount were made to actual settlers, persons who had spent their money in waiting for completion of the grant have applied to me for employment while the patent was being perfected, and I have furnished it for a short period.

1058. Do you know of any striking instance in which any individual was injured by the delay to which he was exposed in this respect?—The most striking instance that occurs in my knowledge was that of a man of the name of Burnes, who, in Sir Peregrine Maitland's time, having fallen in debt to some persons whom he had employed, was pressed by them for the money. At this time a patent was in progress through the offices for him. He applied to his creditors to give him time till his patent was completed, which would enable him to raise money to pay them. The creditors were willing, and waited for some time, but at last became impatient and they arrested him, and he was compelled to go to prison. The patent had passed through the offices, but he was compelled to remain in prison a fortnight while the patent was sent over to the Governor for his signature, at his residence, near the Falls of Niagara; when the patent was obtained he at once obtained his release. I do not mean to represent this as a matter of ordinary occurrence, but as an illustration of the difficulties and delays of obtaining a patent under the most pressing circumstances.

1059. Has it never happened that individuals applying for land have left the colony in disgust at the difficulties thus thrown in their way?—I cannot give any instance of it, and therefore cannot say that such was the case, but I believe that many instances of the sort have occurred.

1060. What effect do you imagine has been produced upon the progress of settlement in the country by the profuse manner in which land has been granted?—The progress of the country has not been as prosperous as it ought to have been; the grants of land to actual settlers would have filled up the country, but these settlers were checked by the interposition of Crown and clergy reserves, and of large tracts of granted but unoccupied land.



## Evidence.

*W. W. Bakewell,  
Esq.*

1061. The Crown reserves have been sold to the Canada Company; do you know if the evils that were formerly experienced from them have been in any way diminished in consequence of the means adopted by that company?—Of late years I have heard no complaint of Crown reserves, and therefore would presume that, being blended with the Canada Company property, they are included in whatever public sentiment is expressed in reference to the proceedings of that company.

1062. The clergy reserves still remain; what effect have they produced upon the prosperity of the country?—A very injurious effect indeed; they have not only retarded, in the way I have described, the settlement of the country, but they form an enduring subject of complaint, not only with regard to the agricultural interests of the country, but also to its political relations. So far as I have had an opportunity of observing, no cause was more influential in producing the discontents which ended in the late rebellion than the existence of these reserves, and this was aggravated by the establishment of the rectories. There will be no public tranquillity nor any confidence in the British Government so long as these rectories are upheld and the reserves appropriated to the support of one church only. I do not believe that any appropriation of these reserves which did not include every class of the community would restore peace to the country; the apparent general wish of the community at large is that they should be devoted to purposes of education.

1063. You have referred in your answer to a previous question to the feeling entertained with regard to the Canada Company; what is the nature of the feeling?—It was felt in the first instance to be a violation of the rights of the provincial legislature that the Imperial Parliament should have vested so large a portion of the public lands in the hands of a company over which neither the provincial legislature nor the provincial courts have any power. I believe the inconveniences which have been felt from the latter cause have been removed by an Act under the authority of which the company can be sued in the provincial courts.

1064. Have there been any complaints that the power given to the Canada Land Company, by intrusting them with the superintendence of the settlement of 2,500,000 acres of land has been exercised in a manner injurious to the colony?—I do not know if such complaints have been made; but I am myself of opinion, and I believe that it is an opinion which prevails extensively, that a company which has obtained so large a tract of country, from the sale of which it is to derive profit, but in the improvement of which, as I understand, it has expended no money of its own, cannot be otherwise than injurious to the country, by taking from it large sums of money for which it has given no consideration.

*George Strange Boulton, Esq., M. P. P.*

*G. S. Boulton, Esq.*

1065. WHAT have been your opportunities of observing the effects of the plan pursued by Government in the disposal of the waste lands the property of the Crown?—I have resided in the province 30 years; I have had a great deal to do with the lands of the province, and am a large landholder myself.

1066. What, in your opinion, has been the operation of the system pursued by the Government in the disposal of wild lands?—I think that without any doubt it has retarded very materially the settlement of the country. The plan of granting large tracts to gentlemen who have neither the muscular strength to go into the wilderness to cultivate it, nor perhaps the pecuniary means to improve their grant, has been the means of a large part of the country remaining in a state of wilderness. I think the system of granting land to the children of U. E. loyalists has not been productive of the benefits expected from it; a very small proportion of the land granted to them has been occupied or improved from the following reasons, viz. a great proportion of such grants were to unmarried females, who very readily disposed of them for a small consideration, frequently from 2*l.* to 5*l.* for a grant of 200 acres. The grants made to young men were also frequently sold for a very small consideration; they generally had parents with whom they lived, and were therefore not disposed to move to their grants of land, but preferred remaining with their families. I do not think one-tenth of the lands granted to the sons and daughters of U. E. loyalists has been occupied by the persons to whom they were granted, and in a great proportion of cases not occupied at all. Many persons have purchased very largely of these grants. I know of two instances in particular, where the purchase has amounted to 20,000 acres. Grants to officers and soldiers, although intended as a benefit to the parties, have, in many instances, proved injurious to the country, as well as to the parties themselves. Very large grants have been made, sometimes to officers, who had neither the inclination nor the means to settle upon their grant or improve it, and it has either remained a wilderness in the hands of the original grantor for a great number of years, or has been sold for a trifle and still remains a wilderness. The officers of the navy have, in most instances, proved valuable settlers, being better adapted to the improvement of land than officers of the army. The grants to officers have invariably been by orders from home. By the late alteration in the law they have had the alternative of purchasing land from the Crown, on which they are entitled to a remission of purchase-money according to their rank, or they may transfer their claim to the amount of remission-money to some one else who may purchase land from the Crown to the amount; in cases where they do not intend to settle upon the land, the latter has been a beneficial alteration both to themselves and the country, as the Government saves so much which would otherwise have passed out of their control, and would probably have remained altogether unimproved. The grants to privates have been particularly disadvantageous to this colony; a great proportion of these were pensioners and infirm, and altogether

altogether unsuited to settle upon wild lands; they received in England four years' pension, and a grant of 100 acres on their arrival in this country; the greatest part of the money was spent in coming, and the land was in most instances of no use to them, as they were incapable of tilling it. Grants of land have also been made to clergymen, lawyers, surveyors and other gentlemen who had no intention of becoming settlers on it. In many instances, also, large tracts have been granted to individuals who have contracted for surveys of townships as a remuneration for surveying, which in most instances have remained a wilderness.

1067. By all these methods, I suppose it has happened that a very large proportion of the lands of the province are now in the hands of individuals who have made no improvement on them?—That is the case.

1068. What effect do you suppose is produced upon the prosperity of the province by this state of things?—I think I stated before, that the settlement of the province has been very much retarded, and I also think we shall not have good roads or settlements in the province unless some measure is devised by which the proprietors of unoccupied lands should contribute more in the way of assessment upon their lands to the revenue of the country. I think the present assessment is a great deal too low, and might, with great justice to the landholders, be increased.

1069. You contemplate, I suppose, that the produce of such increased tax should be specifically applied to the improvement of the country, by opening roads and increasing the means of communication?—I do; I think also, in connexion with such a measure, that it is very desirable to have a commutation of statute labour upon roads, which, with the other funds just mentioned, would afford ample means for making good roads. It is discouraging to British emigrants coming to the country, and visiting their friends in the interior of it, to find the roads so exceedingly bad, and even dangerous; and this alone sometimes deters them from settling in the country.

1070. And I suppose it would be in a high degree unwise in such emigrants to settle in some parts of the interior, on account of the impossibility, under the present system, of having good roads?—I think so.

1071. In addition to the land which has been granted to private individuals, and which remains in a state of wildness, there have been large appropriations for public purposes, such as the support of the Protestant clergy, and the endowment of the university and schools; have you any idea whether any and what proportion of the land thus appropriated has been improved?—I think nearly all the clergy reserves in the settled parts of the country have been taken up and improved.

1072. These, however, have been sold, have they not, under the Act authorising the sale of a portion of the clergy reserves?—A large proportion of them have; some are now under lease. A large proportion of the lands granted for the universities have also been sold, and are now in the course of improvement. The terms adopted, both for the sale of the clergy reserves and university lands, seem favourable to intending settlers; many of them have been purchased by emigrants from the mother country. I do not consider that the clergy lands or university lands have impeded the settlement of the country, inasmuch as they have been open to be purchased or leased when sought after, and have afforded to the British emigrants frequently an opportunity of procuring a lot of land in a settled part of the country, near their friends, when otherwise they might have been discouraged by the prospect of going into the wilderness, and abandoned the country.

1073. But in order that this result should be produced, the lot in question must have been previously reserved from settlement?—Though reserved, it was frequently occupied under lease; and persons holding land under lease generally disposed of their interest in it upon more advantageous terms than land could be obtained from other individuals. Land generally reserved for the clergy and university could be obtained with more facility than land granted by the Crown to private individuals, not under cultivation. Land can be obtained from the university with greater facility than either from the Crown or private individuals.

1074. What effect do you suppose has been produced upon the settlement and prosperity of the country by the disputes as to the appropriation of the produce of these clergy reserves, which have arisen between the different religious sects in the country?—One effect has been, great injury to the Church of England; I do not think that emigrants coming out from the mother country know any thing of the subject before their arrival in the country, or are influenced in any way in determining to settle in the country by this question. I think a great deal of the ill-feeling has arisen from bad management; in many instances, the rents of these reserves have been lost; there has been no efficient management; no one of late years seems to have had the control of them.

1075. Has not the system of free grants of land, the effects of which you have described, been abandoned, and a system of sale substituted in its place?—Land is no longer granted to private individuals having no particular claim, such as that of officers and U. E. loyalists.

1076. Then all those who have such particular claim can obtain lands upon the same terms as formerly?—They can substantially, though there has been an alteration in this respect, viz., officers are now entitled to a remission of purchase-money in proportion to their rank, instead of a grant of land; and the children of U. E. loyalists, instead of taking their grants of land, may transfer their right to another person, and such person purchasing land of the Crown is entitled to a credit of 40*l.* for every claim.

1077. But, with these exceptions, no land can be obtained without purchase?—No, it cannot.

Evidence.

G. S. Boulton, Esq.

*Evidence*  
G. J. Boulton, Esq.

1078. Are the present regulations for the sale of Crown lands, in your opinion, calculated to advance the settlement of the country?—I think that the present regulations are an improvement on the old system. I have formerly heard numerous complaints of the delay in obtaining land from the Crown: there was a great deal of expense and difficulty in ascertaining what land was open to purchase; purchasers had to apply to various offices; if a clergy reserve, they had to apply to the surveyor-general's office and the office of the corporation, as well as of the commissioner of Crown lands; and frequently, on being informed that a lot was vacant, and after inspecting it, they have discovered there was some insuperable difficulty to obtaining it, and had to look out for another lot, or purchase of an individual. Formerly at the sale of Crown lands only particular lots were set up, so that many lots which might be vacant were not offered for sale. There was also formerly both delay and expense in obtaining a title to land purchased of the Crown: it was generally necessary to employ an agent for the purpose. The present system, however, a schedule of all the vacant lots is to be transmitted to an agent, to be appointed in each district by the commissioner of Crown lands; and all such lots as are returned in the schedule will be open for sale in the district where the land lies; all vacant lands belonging to the Crown are now, without any reserve, open for sale in this manner, and immediately upon the payment of the whole of the purchase-money the purchaser is entitled to have his patent forwarded to the agent of the district free of expense.

Charles Ranken, Esq., Deputy Land Surveyor.

Charles Ranken,  
Esq.

1079. How long have you been practising land surveying in the province?—Since 1800.  
1080. During that period, you must have had many opportunities of observing the effect of the system of disposing of waste lands, the property of the Crown?—I have.

1081. Will you describe the general results of that system so far as you have had an opportunity of observing?—The system of making large grants to individuals who had no intention of settling them has tended to retard the prosperity of the colony by separating the actual settlers, and rendering it so much more difficult, and in some cases impossible, for them to make the necessary roads. It has also made the markets more distant and more precarious. To such an extent have these difficulties been experienced as to occasion the abandonment of settlements which had been formed. I may mention, as an instance of this, the township of Rama, where, after a trial of three years, the settlers were compelled to abandon their improvements. It should be noticed that the settlers in this instance were not of a class fitted to encounter the privations of the wilderness, being half-pay officers. In the township of St. Vincent almost all the most valuable settlers have left their farms from the same cause, the townships of Nottawasaga and Collingwood, the whole of the land in which had been granted, and which are almost entirely unsettled (Collingwood, I believe, has only one settler), intervening between them and the settled township, and rendering communication impossible. There have been numerous instances in which, though the settlement has not been altogether abandoned, the most valuable settlers, after unavailing struggles of several years with the difficulties which I have described, have left their farms.

1082. You were at one time deputy-surveyor, employed in the western district?—Yes, I was, for 10 years.

1083. What, in your opinion, is the proportion of land in that district granted by the Crown now occupied by actual settlers?—I should imagine one-tenth.

1084. Then the remaining nine-tenths are still in a state of wilderness?—Yes, necessarily.

1085. Of course, the roads through this district must necessarily be very inadequate to the wants of the people?—Yes, exceedingly so; the resources of the settlers are altogether inadequate to the making of roads, and there is no public provision for making them.

1086. Do you know if in this district the Crown has any large quantity of land yet remaining at its disposal?—I believe it has very little.

1087. Then the Crown has no means at present of locating actual settlers in this district, and thus of removing the difficulties complained of by those who are now settled there?—No, it has not. It appears to me that the remedy is in the hands of the Legislature by imposing a tax on wild lands.

1088. But there is a tax upon wild lands, is there not?—Yes, but so trifling as to be quite insufficient for making roads, especially in the absence of statute labour; the tax upon settled land is higher than the tax upon wild land, and in addition to this, the settler has to perform statute labour upon the roads, from which the owner of wild land is altogether exempt.

1089. Are the proprietors of this unsettled land residents in the province or absentees?—They are generally residents in the province, and, to a great extent, members of the Assembly or Legislative Council, which, perhaps, affords a sufficient explanation of the continuance of those evils, without effectual means being adopted for their removal.

1090. Are the present holders of this wild land the original grantees of the Crown?—In very few instances; they are generally persons who have purchased the claims of U. E. loyalists and others, and now possess, in many instances, tracts of upwards of 10,000 acres; I believe in some instances 40,000 acres.

1091. But do not these individuals make any effort for the improvement and settlement of their property?—I know of only one instance in which this has been done, and that to a limited extent; they generally hold for sale, but at prices that, under the circumstances, it is unfair to expect that a settler can pay.

1092. Do

1095. Do they then ask higher prices than those at which land is sold by Government?—In general they do not; but an individual purchasing of Government knows the Government land will be open to settlement on the same terms as those on which he has purchased; while in the case of private individuals, he has no security that it will be open for settlement at all, and he is assured that the price will be raised in proportion as settlement increases in the vicinity; in fact, his settling upon the land will induce the proprietor to put a higher price upon the adjoining lots, and thus will retard the settlement of the tract.

1096. Are there no other obstacles to the settlement of the province than those arising from large tracts of wild land held by individuals?—Yes; the plan of apportioning Crown and clergy reserves in the different settlements, by intermixing them with the lots opened for settlement, and thereby separating the settlers, have caused injuries of precisely the same description as those to which I have alluded as being occasioned by the grants to individuals.

*William Benjamin Robinson, Esq., M. P. P.*

1094. YOU are I believe a native of this province?—I am, and have always resided in it.  
1095. You are acquainted with the township bordering on Lake Simcoe to the eastward?—I am.

1096. Can you state what is the population of these townships?—Not exactly, but they are very thinly settled.

1097. What is the state of these township as to their internal communication?—The roads are very bad, probably among the worst of the province, the soil being very rich and the land level.

1098. Does not this state of the roads tend very much to retard the progress of settlers?—It certainly does more than any other cause.

1099. Do you know if much of the land in these townships remains in the hands of Government or of the clergy corporation?—I think not, with the exception of clergy reserves.

1100. Then the land is for the most part owned by non-resident proprietors?—It is; but the non-residence of many of the proprietors is attributable to the badness of the roads, many of those who had settled there having been compelled by this cause to abandon their locations.

1101. What public funds are there available for the improvement of the roads?—None now, except one-third of the wild land assessment tax in each township; special grants of from 30*l.* to 100*l.* sterling for each township have in former years been granted by the legislature for the improvement of the roads; in addition to these there is the statute labour required by law. These funds though inadequate have still effected considerable improvements. Since the land-tax has come into operation there has been a very perceptible improvement.

1102. Are the evils which you describe peculiar to these townships, or do they affect the province generally?—They are generally felt throughout the province.

1103. Has any plan suggested itself to your mind by which any effectual remedy might be applied to these evils?—I have for many years given the improvement of roads great consideration, and would suggest, 1st, that the whole of the wild land-tax should be appropriated to the improvement of roads; 2d, a general commutation of statute labour; and 3d, an uniform and improved system of expending the funds thus produced on the roads under the superintendence of competent persons.

1104. Do you imagine the produce of the present land-tax and the other resources mentioned by you would under any management be sufficient for the objects to which you would have them applied?—I think they would, with occasional small grants from the Legislature for such works as bridging extensive swamps, &c.; these remarks apply generally to the roads throughout the province, but leading roads and thoroughfares can in my opinion be kept in proper repair only by a toll upon the traffic upon them.

*Henry Hyndman, Esq., of the township of Colborne, in the County of Huron, London District.*

1105. HOW long have you resided in this country?—I arrived in May 1834, and immediately proceeded to Goderich, and from there to my present residence, which is within three miles of the town, and in the heart of the Canada Company's Huron Tract.

1106. Have you any particulars to communicate to this commission as to the manner in which the Canada Company have settled their lands, and the effects produced upon the prosperity of the settlers by their proceedings?—I conceive that the management of the company is not of a description to induce settlers to come to their lands, and that it has materially retarded the prosperity of the country and its advance in population; their agents do not conceal their opinion that the old settlers are not the object of the company's solicitude, but that their great business is to attract new ones, and they act upon this principle in what appears to me the most unjustifiable manner. Induced by the representations contained in the publications issued by the company, and by the statement of the agents, I took up land from the Canada Company in 1834, and purchased 800 acres of land in one block upon which I am now settled; but I have found that the promises and inducements held out by their agents, their advertisements and their publications, are very far beyond the reality. The land that I purchased was to the north of the River Maitland, on the south bank of which is situate the town of Goderich. On the plan which was shown to me by the company's agent, the original of which is deposited in the surveyor-general's office, there was laid down a bridge across the Maitland and various lines of

*Evidence.*

*Charles Robinson, Esq.*

*W. B. Robinson, Esq.*

*Henry Hyndman, Esq.*



## Evidence.

Henry Hyndman,  
Esq.

road; and it was generally understood among the residents in the neighbourhood upon the faith of this plan, and asserted by the officers of the Canada Company, that the bridge in question would be built, or at least commenced, in the course of that summer. Fully impressed in the belief that this would be the case, and that the lines of road as laid down on the map would be opened, I selected land upon the main line of road from Goderich to the Government land in the north, communicating with this bridge; this was in 1834; the bridge is not yet finished, and was not actually commenced till this spring, and I do not believe there can be any means of communicating by it this year.

1107. Is this bridge of importance to persons settled on the north of the Maitland?—We have no certainty of being able to cross the river without it, except in winter, and then we cross the river on the ice, at the mouth of the harbour. The commissioners too, since the bridge has been commenced, have refused to open a road on the north side of the river, to unite the bridge with the road leading through the township. During a considerable part of the year we can neither take our produce to market nor obtain goods. I have known the river absolutely impassable, either on horseback or on foot, for three days together; in fact, it is scarcely possible to describe the inconvenience to which we have been and are exposed to for want of this bridge. In addition to this neglect of the company to fulfil what was certainly an implied if not an express contract, I have to complain of a positive infraction of a similar engagement. I have mentioned that I purchased land upon the main line of road from Goderich to the north, and other settlers did the same; when, however, contracts were given out for the lines of road through the township, they entirely deviated from the great lines as laid down on the map, along which, upon the faith of the map, settlers had established themselves; and were to be carried through the least settled parts of the township. When I represented this to Mr. Jones, the company's commissioner, he stated broadly that the land through which the great lines were laid down according to the map were all taken up, and the company had no further interest in them, and it was their great object to attract new settlers. Mr. Jones made a similar statement in a letter on the subject of the bridge, when, giving a reason why the company did not make it at once, he mentioned that they had little interest in that township, having disposed of nearly all their land in it. A portion of the road offered to be contracted for passed where no road was laid down in the map; the remainder passed along lines of road that had been laid down, but which were laid down as concession roads and side lines. I applied to Mr. Jones to change the line in such a manner that I might reap that advantage from it which I had contemplated in making my purchase, to which he at last agreed, but on condition that I executed two miles and a half of road at the price of two miles, for which I was to be paid in land.

1108. Are the company, then, in the habit of disposing of their lands in this way, and not for money?—Yes, they frequently pay for similar works in land; in some cases, contracts of this nature are taken by persons who have previously purchased land of them, and upon which all the instalments have not been paid, and their labour goes in payment of their instalment, the company almost always fixing the rate; this has been the case with myself: in such cases it is productive of no inconvenience; but when the task is taken by mechanics and others living in the town, large quantities of land get into their hands by this means, and they do nothing to improve it.

1109. This applies, I suppose, to the work performed at the expense of the company?—Quite the contrary.

1110. Do I then understand you to say, that in those works which the company are entitled to pay out of the third of their purchase-money they pay in land, and retain the money in their own hands?—Such is the case, at least, with the greater part of such works. In the contract which I have taken (which is to be paid for out of the purchase-money), the whole is to be paid in land, and this is part of a contract of upwards of 30 miles, all of which is, I believe, to be paid for in the same way.

1111. At what rate per acre is the land valued?—It varies from two to three dollars.

1112. Is this land so to be taken wild land?—Yes, it is.

1113. In the same state in fact as when it was purchased from Government?—Yes, the land is in the same state; but it has the advantage of a population and leading roads, the expense of making which roads is, however, charged to the Government.

1114. What is the price per acre which they pay to Government?—About 2s. 9d.

1115. So that they require their contractors for this Government work to take land at 15s. per acre for which they are paying 2s. 9d., or about one-sixth?—They do; with regard to manner in which the company have performed their contract with Government, and thus procured the advantages to the colony which were held out as the inducement to grant them a charter, I may state, that the objects referred to in the charter to which one-third of the purchase-money was to be applied, were to make roads, build bridges, erect wharfs, piers, churches, schoolhouses, mills, &c. &c. Two good roads have been formed, leading from Wilmot and London to Goderich; no bridges have been built, excepting those in the line of the roads; neither wharfs nor piers have been built (the harbour at Goderich is erected under a provincial act authorising the levying of dues). There are no churches; they have contributed something towards the erection of a Presbyterian church at Goderich, and another place of worship at the distance of about 13 miles from that. They have also contributed, in a small degree, to the erection of a school in Goderich, and another in Stratford-upon-Avon. There are four mills in the Huron Tract, only one of which, that of Stratford-upon-Avon, is sufficient to supply its neighbourhood with flour.

The Honourable and Venerable John Strachan, D.D. Archbishop of York.

1116. HOW long have you resided in this country?—Thirty-nine years.

1117. You are, I believe, a member of the corporation for the management of clergy reserves?—I am, but that corporation has not met for the last four years, and it never had any power but that of merely leasing clergy reserves, subject to the approbation of the Governor in Council.

1118. Of what do these clergy reserves consist?—They consist of a portion equal to one-seventh of the granted lands in the province, and they amount to about two and a quarter millions of acres.

1119. A portion of these reserves has, I understand, been sold, under an Act of the Imperial Parliament; has this sale been conducted in any manner to affect injuriously the interests of the clergy?—I can hardly say it has been; the commissioners, on the whole, have acted fairly.

1120. Have there not been very frequent complaints of the injurious tendency of these reserves, as regards the prosperity and improvement of the province, by interposing blocks of wild land among the settled parts, thus impeding the means of communication and of transporting produce in the country?—Such complaints have frequently been made, but, I believe, unjustly, as, from my inquiries a few years ago, on the occasion of the attempted sale to the Canada Land Company, I found a greater number of inhabitants, in proportion, on the clergy sevenths, than upon the granted lands of the Crown, as they offered facilities to settlers which cannot otherwise be obtained.

1121. Has the reserve of this portion of the lands of the province for the support of the clergy of one denomination produced any, and, if any, what state of feeling adverse to the peace and tranquillity of the province?—For the last 18 years a question has been raised by the ministers of the Kirk of Scotland claiming an equal right in the reserves with that of the Church of England; this has excited a great deal of trouble, because all denominations joined the Kirk of Scotland, in the hopes of obtaining a share, as they contend that, if the clergy reserves are not given to the Church of England exclusively, they have all an equal right.

1122. But am I to understand that, in your opinion, if these reserves were given to the Church of England exclusively, all denominations, with the exception of the Kirk of Scotland, would be satisfied, and the troubles which have been occasioned by the agitation of this question, put an end to?—Had the Imperial Parliament, at an earlier period, given a firmer decision upon the subject, or had the true meaning of the Imperial Act been settled, by a judicial proceeding, little or no excitement would have been raised in the province by any denomination, not even excepting the Kirk of Scotland; but, leaving the question unsettled, it has gradually acquired greater and greater importance, and from the opinions respecting the intention of the Act, given by the Crown lawyers in 1819 and by a Committee of the House of Commons in 1828, neither confirmed by any judicial proceedings, hopes have been raised among the members of the Kirk of Scotland, and among all denominations (not even excepting the Roman Catholics), that the provision set apart for the Protestant clergy by the Constitutional Act would be entirely broken down and distributed among all parties.

1123. Would any disappointment tend to endanger the peace of the country?—It does not appear to me that a grave and constitutional proceeding upon the subject would create more excitement in the province, than other disappointments where a great interest affecting a number of people is involved. It has always been my opinion, since the question of the reserves was agitated, that it should be referred to the Imperial Government, in whose decision, I have always believed, and still believe, there would be a general acquiescence.

Rev. William Turnbull Lynch, a Minister of the Church of Scotland, Toronto.

1124. HOW long have you resided in this country?—I came out in 1839, and have been in this country since then, with the exception of six months spent in England. Rev. W. T. Lynch.

1125. What have been your opportunities of ascertaining the state of feeling in the country, and the causes which have affected its tranquillity and prosperity?—In addition to the general opportunities which occur during a six years' residence in the colony, I was engaged for 15 months as missionary, and during that time I travelled extensively through the province.

1126. What, in your opinion, has been the effect produced on the prosperity of the province by the existence of the clergy reserves?—I am not of opinion that they have acted injuriously with regard to the cultivation of the country, or that they have affected injuriously the interests of the community, certainly not in the settled districts, though they may have done so in the back settlements.

1127. What effect has been produced with regard to the peace and tranquillity of the country by the appropriation of the clergy reserves for the benefit of one religion only?—I believe it has been one of the chief causes of dissension and dissatisfaction, and to have tended materially to produce the late unhappy disturbances; nor do I think tranquillity will be restored until the present destination of those lands is changed.

1128. What course would you, from your observation of the state of feeling in this country upon this subject, be disposed to suggest for the future disposal of these clergy reserves?—I should recommend an equal division among the leading Protestant sects, Episcopalians, Presbyterians of the Church of Scotland and the Methodists; at the same time,

## Evidence.

Rev. W. T. Lynch.

it may perhaps be advisable that the Roman Catholics should not be omitted in the distribution, though their numbers seem to me not so considerable as to require an equal portion. It would be altogether contrary to my principles, but I believe that an appropriation of the clergy reserves for educational purposes only, would give satisfaction to the great mass of the people, though not to the most influential classes of this community.

Rev. Egerton Ryerson, Minister of the Wesleyan Methodist Church of Toronto.

Rev. E. Ryerson.

1129. HOW long have you resided in this province?—I am a native of this province, and have resided here the greatest part of my life.

1130. You are a minister of one of the most numerous and influential denomination of Christians in the province?—Probably the most numerous.

1131. You must have had many opportunities of knowing the general feeling, both religious and political, of this province, and the circumstances that have affected its prosperity and tranquillity?—From my long residence and extensive acquaintance with the inhabitants I have had such opportunities.

1132. What in your opinion has been the effect of clergy reserves, considered only as a means of withholding a large portion of the country from the acquisition of settlers, and thus keeping it waste?—I think they have tended very materially to impede the settlement and improvement of the province in these respects; by being interspersed among those parts which were open for settlement, they exposed the settler to great inconvenience in making roads, and they reduced the value of the neighbouring farms by their remaining in a wild state; it is true, I understand, they might be obtained on lease, but in general settlers would not occupy clergy reserves on such terms, when they could obtain land in fee simple.

1133. Do you imagine the appropriation of clergy reserves, to the support of the clergy of one denomination exclusively, has produced any effects injurious to the peace and tranquillity of the province?—I think the peace of the province has been and is most seriously affected, and that it must continue to be so as long as this cause is allowed to remain. The vast majority of the inhabitants are opposed to this appropriation of the clergy reserves, and their numbers and the strength of the feeling on this subject are constantly increasing. There has perhaps been no period at which the dissatisfaction arising from this cause was greater than at present.

1134. In what manner should you be disposed to recommend that these reserves should be appropriated in future, with a view to prevent the continuance of such a state of feeling as you have described?—I should recommend that they should be appropriated entirely to educational purposes, and this I believe to be the general opinion of the province; I do not see any prospect of a peaceful adjustment of the question in any other manner; there would probably be found insurmountable difficulties in the way of division amongst different sects, and the feelings of a large portion of the community would be altogether opposed to such an application of the funds which the reserves might produce.

Rev. John Roaf, Minister of the Congregational Church, Toronto.

Rev. J. Roaf.

1135. How long have you resided in this province?—I have lived here a year.

1136. What have been your opportunities of acquiring information?—I am agent for the Colonial Missionary Society, and am therefore called upon to spend a great deal of time in travelling to visit churches of our order throughout the province.

1137. What has been the effect of the clergy reserves, in your opinion, as regards the settlement and cultivation of the province?—I am unable to speak from my own experience, but I have heard almost every where complaints of the evil which they have occasioned in this respect; persons have been prevented from settling in the neighbourhood of clergy reserves because they would have to make roads round them to get to their own property, and because they afford a retreat to wild beasts; and in this way I believe them to have operated most injuriously.

1138. What effect has been produced on the peace and tranquillity of the country by the appropriation of the clergy reserves to the use of the Church of England only?—It has produced a great deal of bitterness towards the members and clergy of the Church of England, and has been the cause of dissatisfaction and distrust of the Government.

1139. What course would you adopt in the future disposal of clergy reserves?—I should recommend that they be entirely appropriated for the purposes of education; I believe this is the general opinion, but in failure of this measure I would rather see them invested in the Crown than divided among the different religious sects.

The Reverend Robert Hill Thornton, Minister of a Presbyterian Congregation in  
Whitby, U. C., in connexion with the United Secession Church.

Rev.  
R. H. Thornton.

1140. HOW long have you been a resident in the province?—I have resided here since July 1833.

1141. What opinion have you been led to form, during that period, of the operation of the system of clergy reserves, as regards both the prosperity and tranquillity of the province?—I think that they have been one of the greatest barriers to the prosperity of the province; they stand in the way of roads and other public improvements, and impede the operations of the settlers in the neighbourhood of such lots; in many cases these lots intervene between the settlers and mills and markets, and the roads through them must remain unmade, or be

be made with great sacrifice by the poor settlers in their rear. In fact, it keeps them poor; for I have known instances where persons might have brought their grain to a good market but for this state of roads, and where, as it is, they are compelled to wait till the frost has formed a road, when they can bring out some small portion of their produce.

1142. But the clergy reserves are not, I presume, the only lands which are thus kept waste, to the injury of the settlers, and the retarding the advance of the province?—No, any large block of land would have the same effect; but the injurious effects of the clergy reserves are most felt in the settled part of the country. These reserves have been a constant subject of irritation throughout the province, and their disposal has frequently been brought before the House of Assembly. In fact, it is impossible to describe the interest which has been excited upon the subject whenever the matter has been under discussion, the people anticipating a final adjustment of the matter. The constant agitation of this topic, has produced a very injurious effect upon the feelings of the country. Anticipating a division of this property among different sects, they have become more embittered towards each other; and this bitterness has been transferred to general politics. Since I have been in the province, I have marked public opinion changing upon the subject. At first the general opinion appeared to be, that it should be divided among all religious sects; but latterly there has been a preponderance of feeling in favour of its appropriation to purposes of general benefit, such as education, &c. One main cause of this change of opinion has been, that the people have become more alive to the miserable state of education throughout the province, and the growing conviction among people well-disposed to religion, that however liberally a priesthood may be endowed, they can do nothing effectual without an educated people. There is, in fact, not the slightest chance of tranquillity in the province, so long as this question remains unsettled; it has made almost every man in Canada a politician; and all alike declare that there can be no peace until the clergy reserve question is settled. I do not wish to be understood as representing this feeling as unanimous throughout the country, but I believe it to be decidedly the preponderating feeling.

Reverend William Stuart, of Brockville, Minister of the United Synod of the Presbyterian Church of Upper Canada.

1143. HOW long have you resided in this province?—Twenty-eight years.

1144. What have been your opportunities of ascertaining the operation of the system of clergy reserves upon the prosperity of the province, and the feelings with which that system is regarded by the inhabitants?—From my long residence in the country, and general acquaintance with every part of the province, having travelled as a missionary over the whole of it, I have had very extensive opportunities of observing the effects of the system upon the prosperity of the country, and the sentiments with which it is regarded.

1145. You have heard the evidence of Mr. Thornton; do you concur in the opinion he has expressed upon this subject?—Decidedly.

1146. Are there any circumstances that you would wish to state in addition?—I should desire to state that the body with which I am connected would be generally perfectly satisfied with the appropriation of the clergy reserves for the purpose of general improvement, but, in case of a division, they would require that the proceeds should be equally divided among all sects alike.

The Right Reverend Alexander M'Donnell, Bishop of Regiopolis.

1147. HOW long have you resided in this province?—For 35 years.

1148. You are, I believe, the head of the Catholic Church in this province?—I am.

1149. What, in your opinion, has been the effect produced upon the peace and prosperity of the province of Upper Canada by the application of the clergy reserves to the exclusive support of the clergy of one denomination?—The effect of it is to have raised a very great agitation among the people of all classes, and especially the Presbyterians; I do not imagine it possible that the agitation thus produced can subside until the question is settled one way or the other.

1150. But do you imagine that the agitation thus produced would be allowed to subside if the question were determined in favour of the Church of England?—I am sure that it would not; it would, on the contrary, be increased, and could not fail to produce a general discontent in the province; I think the only way in which the question could be settled with safety to the province is by their being allowed to revert to the Crown, and in this I think all parties would agree.

Evidence.

Rev.

R. H. Thornton.

Rev. W. Stuart.

Right Rev.

A. M'Donnell.



## NOVA SCOTIA.

J. S. Morris, Esquire.

Evidence.

J. S. Morris, Esq.

1151. YOU are surveyor-general and commissioner of Crown lands in this province?—Yes.

1152. How long have you filled those situations?—I was appointed commissioner of Crown lands 4th May 1827, and I was appointed surveyor-general the 6th April 1831, on the resignation of my father.

1153. Were you in the department previous to the above time?—Yes; I entered the surveyor-general's office in 1816; the office of commissioner of Crown lands was only constituted in 1827.

1154. What was the system of settling public lands in this province previous to the formation of the Crown land office in 1827?—Land was granted in lots, on the application of individuals to the Lieutenant-governor and council, either in townships or in separate allotments, upon certain conditions of improvement, and upon the payment of an annual quit-rent of from 2s. for each 100 acres, or about a farthing per acre.

1155. Were any grants of land made on other terms than the above, previous to 1827?—A very small proportion of land was granted by license to individuals at the pleasure of the Governor for the time being; some of those lands have been disposed of and sold by the original settlers; some have been confirmed to them by grants, and the title of others has been confirmed by acts of the House of Assembly, giving title to occupants of certain standing.

1156. Does this system continue at the present time?—No, the power of the Governor was altogether suspended by the general instructions of 1827.

1157. What quantity of land was granted in townships?—About 1,563,070 acres.

1158. What quantity was granted in separate allotments?—About 6,380,000 acres.

1159. What were the conditions of settlement and improvement required of proprietors of townships?—The townships were granted on different terms.

1160. What were the conditions required of proprietors in separate allotments?—They were also granted on different terms of tenure, according to the period the grant was made. It is the duty of the surveyor-general to prepare the plans and description, but the terms of the grant rested with the secretary of the province and the attorney-general.

1161. Were the conditions generally conformed with?—Not strictly in any case, in the townships, particularly.

1162. Which are the lands generally situated on bays or harbours?—There are settlements having frontage on navigable waters, where improvement has been commenced, which has been determined as sufficient to justify the right of possession in point of law as respects the unimproved portion of the grant.

1163. Has there been any question raised as to escheating any of the above townships and grants for want of non-compliance with the terms on which they were granted?—Yes, the question of escheat has been raised more than once, and it was determined that the improvements made on a portion of grants, such as those settlements on the coast, were sufficient to protect the title to the whole property.

1164. Does the system of granting large blocks of land to individuals tend to promote the general interest and improvement of the province?—Certainly not; on the contrary, it had a very great tendency to obstruct the settlement of the country, as the individuals holding the large grants neglected to advance improvement.

1165. Such grants having been made, what, in your opinion, would be a remedy for the evil complained of?—A general tax on all wild lands would seem to be the only remedy, unless the Crown was to escheat grants when conditions were not fulfilled.

1166. Have lands been escheated in the province at different periods?—Yes; about 3,200,000 acres have been escheated for not having planted and cultivated the land in compliance with the conditions of the grant.

1167. At what period did the greatest portion of the escheat take place, and does the system of escheat continue in operation to this time?—A great portion of the escheat took place about 1783, on the arrival of the Loyalists from the United States; a considerable portion of land was escheated between 1816 and 1820: since that period there have been some few allotments escheated, and the last escheat took place in 1834.

1168. Did the forfeiture of land by the above escheat cause any additional exertions to be made in promoting improvements by remaining proprietors?—It does not appear to have produced much effect.

1169. Were these escheats generally contested by the parties concerned?—In most cases they were, and there were many attempts to obtain escheat without success.

1170. What is the system followed in escheat cases?—It is required that a party should petition Government to escheat a grant of land, in consequence of non-fulfilment of conditions on the part of the proprietor; the parties are referred to the surveyor-general, who reports on the case, and, if found to be one calling for interference from Government, the attorney-general gives directions to have public notice given, that at a period embracing upwards of 12 months, an inquest will be held, and the case brought before a jury for their opinion.

1171. In each case is there a reference made to the proprietors of the land?—I am not aware of any other notice than the public notice given in the Gazette.

1172. Is there any objection to this mode of proceeding in cases of escheat?—Yes; the expense and delay are sufficient to deter many persons from prosecuting an escheat. The cost of escheat for one acre is as much as for 10,000 acres, when contained in one grant.

1173. Who are the parties that incur the expense?—The informant, who is also the person that applies for, and, with few exceptions, has obtained the land. In some instances the informant has only obtained a portion of the same, from its being a large block, and in other cases information has been given by the public generally, who have instituted the process in order to rid themselves of a nuisance, by removing a monopoly and a check to improvement.

1174. Can you state the amount of cost in cases of escheat?—The whole expense is about 20*l.* when the land is escheated without opposition.

1175. Was there any payment of quit-rents previous to 1827?—Not that I am aware of.

1176. All the lands granted previous to 1827 were liable to escheat at that period, from non-payment of quit-rent?—Yes.

1177. What has been done in reference to the above since 1827, when the office of commissioner of Crown lands was instituted?—In 1827, all former proceedings as to grants of land were put an end to, and a new system was instituted; lots of land were ordered to be laid out in different parts of the province, to the extent of from 100 to 200 acres each allotment. The upset price was fixed at 2*s.* per acre, to convey the fee-simple of such land without any reservation, except as usual in cases of mines and minerals; all previous grants remaining just as they were, without any authority in the new regulations to interfere with them.

1178. What steps were taken to carry out the new system?—The instructions were published, and land was advertised for sale the same year; but no sales were effected; the people had been getting land on such easy terms, that there was an objection to the new system, and they did not come forward to purchase.

1179. What was done in subsequent years?—The commissioner of Crown lands was authorized, in the following year, to grant licenses to poor settlers to the extent of from 100 to 200 acres, on payment of certain fees which were regulated by Her Majesty's Council. The land so allotted was subjected to an annual quit rent of 5*s.* per 100 acres, and the grant was made on conditions of actual settlement, which required, that the proprietor should build a house and reside on the ground within six months from the allotment being made. This was evaded in many instances, by the parties leaving their land after a short residence.

1180. Have any lands been sold under the regulations of 1827?—Yes; altogether about 120,000 acres have been disposed of.

1181. Can you furnish a list of the quantities sold in each year, with the price obtained?—They have been as follows:—

		Acres.		Amount Paid.			Nova Scotia currency.
				£.	s.	d.	
In 1828	- -	3,483	At 2 <i>s.</i> to 2 <i>s.</i> 6 <i>d.</i>	140	-	6	
" 1829	- -	2,835	" - " -	89	9	5	
" 1830	- -	3,470	" - 2 <i>s.</i> 0 <i>d.</i>	99	19	5	
" 1831	- -	10,411	" - " -	647	11	6	
" 1832	- -	14,879	2 <i>s.</i> - 2 <i>s.</i> 3 <i>d.</i>	1,063	8	1½	
" 1833	- -	11,451	2 <i>s.</i> 3 <i>d.</i> - -	1,076	-	4½	
" 1834	- -	13,221	" - " -	802	6	4½	
" 1835	- -	24,942	" - " 3 <i>s.</i>	1,349	9	5½	
" 1836	- -	14,884	" - " -	1,354	19	4½	
" 1837	- -	17,419	" - " -	1,638	-	7½	
		117,997	£.	8,261	10	7½	

The accounts for 1838 are not made up; about 5,000 acres supposed to be sold at an average price of 2*s.* 3*d.* per acre.

1182. Has the upset price of Crown lands been the same in all parts of the province?—Yes.

1183. Have the payments been punctually made by purchasers of Crown lands?—No; it has been necessary in many instances to grant indulgence as to payment for three years. The seasons have been more than usually bad, but this only refers to sales made before January 1837; since then the terms have been cash within 14 days after the sale. The lands have been disposed of quarterly, having been advertised in the Gazette, and small lots of land have also been disposed of to individuals, at the upset price, between the regular periods of public sale; there has been little or no competition at the public sales, as will be seen by the above list.

1184. What is the greatest quantity of land disposed of in one lot since 1837?—1,000 acres.

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*J. S. Morris, Esq.*

1185. Is there a quantity pointed out as the utmost to be disposed of in one lot?—Yes, 1,200 acres.

1186. Has the greater portion of the land disposed of by sale since 1827 been occupied by the purchasers?—It has not.

1187. What has led parties to acquire this land which they do not occupy?—For the purpose of obtaining a future supply of fuel, and to make use of the timber growing on it. In some cases for speculation.

1188. Is the upset price of 2s. 3d. currency the best in your opinion for the interests of the country?—I think a higher price would in a great measure put a stop to the sales of Crown land, as individuals are selling lands at not more than the upset price, and in some cases for still less money.

1189. Have you an increasing demand for Crown land?—The demand has gradually increased, but I do not think a higher price than 2s. 3d. could be obtained at present.

1190. Has the quit rent applicable to grants previous to 1827 been extended to the lands sold since that period?—Not to lands sold.

1191. What arrangements have been made respecting the quit rents alluded to?—In 1835 the House of Assembly commuted the quit rents for the sum of 2,000*l.* annually, to be paid by the province towards the Governor's salary.

1192. Is it to be understood that no quit rents or tax on lands at present exist in the province?—There is not either.

1193. Are the proprietors of land by the arrangement altogether relieved from the obligation of quit rents?—The House of Assembly, I conceive, might levy a quit rent; at present no quit rents exist. All claims for arrears of quit rent are understood to be disposed of. I do not know in what light the House of Assembly may view it.

1194. When grants are made to purchasers of Crown lands, how are the parties put in possession?—A surveyor proceeds by direction of the surveyor-general to mark out the land appropriated to the party; he commences at some known boundary, and from thence finds out the lot in question, and marks all its angles and boundaries.

1195. When you speak of a known boundary does it imply the nearest place already appropriated to that intended to be located or granted?—It is the angle of some former grant, the boundary of which is marked, or it is some natural boundary that cannot be mistaken; when the survey is completed, it is entered in the surveyor-general's office.

1196. From the above system it follows that, by one lot being imperfectly surveyed or misplaced, all those measured from it must be in error?—Great pains have been taken to avoid error in surveys, but from previous surveys the above mischief is very likely to occur.

1197. Are there many instances of litigation in consequence of inaccurately defined boundaries?—Very many.

1198. Does this system tend to check settlement and improvement in the country, and to prevent transfer and settlement of property?—I do not think that it has any effect as yet, in Nova Scotia, because wild lands are not yet sufficiently valuable; but it may be apprehended that at a future period great difficulties will occur in reference to the boundaries of land.

1199. Would such apprehension have weight with persons desirous of investing capital in this province in the purchase of land?—No doubt it would.

1200. What would you recommend as a remedy for the evils of the present system?—The surveyor-general ought to be authorized to employ persons to run such lines as yet, he should point out as necessary; to renew the boundaries of old grants, and to form the boundaries of grants and townships that have not yet been surveyed. It would be necessary also to stop the practice of persons employing unqualified surveyors, many of whom are probably also incapable; these persons do the business on any terms, having no responsibility in what they do.

1201. Are there a sufficient number of qualified surveyors in the province to do all the work required?—There would be if they were protected by proper law, but at present there is a difficulty to find persons to lay out the Crown lands, the deputy-surveyor having to combine other occupations with this office in order to get a living, and it is considered quite a secondary occupation.

1202. What expense is incurred for surveys?—From 3*d.* to 5*d.* per acre, depending on circumstances, such as distances and nature of the country, and difficulty in ascertaining the lot in question.

1203. Has the system of granting lands to lenders and associates at any time been in duration in this country?—There was a system of the kind originally, but nothing of the kind of late years.

1204. When the system was practised, had it the effect of causing lands granted to lenders and associates to pass into the hands of lenders?—Yes, it had.

1205. Do you know in any cases what price land was purchased for, from the associates?—I do not know; it was frequently something very trifling.

1206. In what sized blocks was the land of the province disposed of?—From blocks of from 1,000 to 150,000 acres.

1207. Were there many grants of the larger quantity?—Many of 100,000 acres.

1208. Are there any proprietors at present in possession of any such property?—I do not believe there are any proprietors who now possess more than 15,000 acres in the province, and that quantity divided into different blocks, except in the instance of Messrs. Lyons and Wright.

Wright, and others whose original grants have not been escheated; I have no means of knowing the present state of those lands.

1209. How were the other large grants disposed of by the proprietors?—The greater portion has been escheated for non-performance of conditions.

1210. Is there much land now liable to escheat from neglect and non-fulfilment of the terms of the grant?—I should think upwards of 1,000,000 acres.

1211. What was the extent of the grants to Messrs. Lyons, Wright, and others?—150,000 acres.

1212. What is the quantity of all the land which has not been escheated?—675,576 acres.

1213. You have stated that you think there are 1,000,000 acres liable to escheat; is any portion of that land contained in this list?—Some of the land is contained in this list, but a great portion of it is not; a great proportion of it is grants of 500 acres and under that quantity.

1214. In remarking on the quantity of land liable to escheat, you allude to lands more immediately known to yourself?—Yes.

1215. Besides the land you suppose to be liable to escheat, there may be large quantities of the original grants also liable to forfeiture for non-fulfilment of conditions?—Yes.

1216. The quantities liable to escheat in the province cannot be ascertained without an examination of each grant, in order to know if settlers are on it?—The examination must be made.

1217. In case of squatters being on land without a knowledge of proprietors, would the liability to escheat be removed?—I know that squatters have escheated lands, but I am not aware of the above case ever being decided on.

1218. You have stated, in a former part of your evidence, that the best remedy for advancing the general improvement of the country would be by a tax on wild lands; if such were determined upon, and the whole proceeds of such tax applied to purposes of improvement and promoting emigration to the province, what amount do you think it would be desirable to levy on each 100 acres of unimproved land?—On any grants of land where no improvements whatever have been made, I think *5s.* per 100 acres would not be too high a tax; on lands where partial improvements have been made, but not such as might be expected from long possession, a partial tax might be levied.

1219. Is it your opinion that large quantities of land are held with a view only to future benefit, without the proprietor regarding the immediate interest of the province?—I should consider a very large quantity of land is held in that way.

1220. What is the superficial area of Nova Scotia?—About 10,000,000 acres.

1221. What part of that do you consider to be covered with water?—About one-fifth.

1222. Leaving 8,000,000 acres of land?—About that quantity.

1223. It has been stated that about 5,750,000 acres of land have been granted in Nova Scotia; what portion do you consider of the land appropriated is in cultivation?—There are about 400,000 acres of land in Nova Scotia under cultivation.

1224. What portion of the unappropriated land do you consider as capable of cultivation?—About one-eighth.

1225. What is the general character of the remainder?—Chiefly barren land.

1226. Has there been any revenue arising to the Crown from timber, or other sources than the sale of Crown lands?—None from the sale of timber; there is a revenue from the mines, which goes through the receiver-general's office.

1228. What has been the extent of emigration during the last five years?—There has been no extensive emigration at any time to this province; there has been a yearly arrival of emigrants at Halifax, but none at Picton and Cape Breton.

1229. Have the emigrants who have come to the province been able to establish themselves?—Many have, particularly the agricultural portion of them, at Picton and Cape Breton; many of those who came to Halifax have gone to the United States.

1230. What prevented the settlement of those emigrants in this Province?—Those who came to Halifax were not desirous to go into the country, and in the immediate neighbourhood there is no eligible land for settlement in right of the Crown; in the country the sale of Crown lands requires cash payment, and the greater part of the emigrants being poor, they could not acquire land without a considerable residence in the country to obtain means of purchase.

1231. On what terms do private individuals part with lands to settlers?—Generally from *3s.* to *3s. 6d.* per acre, if purchased, and in many instances for less.

1232. Are there instances of persons taking wild land on lease, or other terms than by purchase?—I am not aware if it is done in any instance.

1233. Do persons generally succeed who settle on wild lands?—In cases where the parties have been industrious they have succeeded very well.

1234. Are you acquainted with the road system pursued in the province?—There is no system; the practice has been to make roads from one point to another as they have been required; and this has been done generally at the expense of the province, by grants of the legislature; there is also three days' statute labour required of each person, or money in lieu of it.

1235. Is the mode of proceeding generally approved of?—It frequently brings forward

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1235. Are the roads as well kept up as they ought to be?—Certainly not; neither the main roads nor the cross roads are as they ought to be; the funds are misapplied, and the statute labour is improperly performed.

1236. Who are the persons who have the management of road funds?—There are no regular persons; there are commissioners appointed annually by the Governor and Council to attend to roads.

1237. Do these persons attend to the laying out and making of the roads?—They attend to both.

1238. Are they engineers, or persons acquainted with such works?—With very few exceptions they are not.

1239. Who are the most active of those parties?—Messrs. John McKensie, Peter Cressie, and James McKensie.

1240. Is there any contribution from proprietors of wild lands towards formation of roads?—None.

1241. Is this complained of by settlers, and is it detrimental to the settlement of the colony?—There is a very general complaint throughout the province of the mischief arising from the system.

1242. From your experience, and with your knowledge of the different systems that have been followed, in reference to disposing and settling Crown lands in the province, have you any opinion to offer as to the best mode to pursue in future?—The course most proper to be taken in order to settle the waste lands in Nova Scotia would be, for the Crown first to get possession, by process of escheat, of all the lands hitherto granted; the conditions of which have not been complied with. It would involve a heavy expense to the Crown if the escheat of land took place at the instance of the Government, who, in such a case must employ persons to examine minutely each grant, in order to furnish the proper evidence. In order to effect this, the Crown should permit applicants to have the lands at something less than the upset price upon certain conditions, that is to say, provided they effected the escheat, and settle upon the land, that they should be allowed to purchase to the extent of 200 acres each person, at the rate of 1s. per acre, they paying for the survey, or the rate of 1s. 4d. in order to cover that expense. That no grant should pass to them of the land sold until they had been actually living upon it, for at least 12 months; that they should be allowed two years to pay the purchase-money, and should deposit one-fourth of the amount at the period of securing permission to occupy the land. That in order to prevent delay, there should be no reference required to Her Majesty's Council, but the Lieutenant-governor, or, in his absence, the commissioner of Crown lands, should decide at once upon the application, agreeable to the royal instructions of 1832; but in cases of difficulty, and when the lands are involved in dispute, it would, of course, be proper to refer to the Council. That the waste lands of the Crown for settlement should be held at the fixed rate of 2s. 3d. per acre, and individuals allowed to obtain them without a reference to public sale; but in all cases certain conditions of improvement should be insisted on, and the grant should not pass until so many acres have been put under cultivation, and the purchaser actually settled upon the land. It would be necessary to make roads through these waste lands in order to connect them with other settlements; and a careful survey should be made, and the bounds properly marked, of every lot, which should not exceed 200 acres. It is proper to remark, that in Nova Scotia, and particularly upon the Atlantic side of it, there is a certain description of land not at all adapted for cultivation, but still of value to the fishermen, as it supplies them with wood for a variety of purposes; no valuable timber grows upon it, nothing but small spruce and fir, and a small growth of hardwood which serves them for fuel; now, such land as this should not come under the operation of the foregoing regulations, but where land is bought for the wood only, prompt payment should be required.

Sir Rupert George, Bart., Secretary of the Province of Nova Scotia.

1243. BE so good as to describe the different systems under which the Crown lands in Nova Scotia have been disposed of?—From the first settlement of Halifax, in 1749, until 1760, the disposal of the lands of the Crown was in a great measure left to the discretion of the Governor. During this period little was done towards the settlement of the interior, the alienation of the Crown lands having been principally confined to the neighbourhood of the seat of Government. In the year 1760, instructions were issued for the Governor's guidance in this respect, but they are not on record in my office. About this time a very general disposition prevailed, both in Europe and America, to speculate in the lands of this country, and various projects for its settlement were submitted to his Majesty's Government by numerous companies and associations formed for the express purpose of entering into such speculations. Unfortunately for the province, these ill-considered schemes were encouraged by Government; and from 1760 to 1773, the whole of Prince Edward's Island, which then formed part of Nova Scotia, as well as numerous townships of 100,000 acres each, and vast tracts of land containing the most fertile portions of the province, were granted to adventurers of this description; who engaged to cultivate the whole within a limited period. All these speculations entirely failed, and those engaged in them, discouraged by the heavy losses which they had sustained in endeavouring to settle



settle their lands, abandoned and left them desert; but as they still retained their grants, poor settlers were deterred from resorting to the province, knowing that the most valuable lands were monopolized; and thus, emigration from the mother country being at the same time discouraged as ruinous to its interests and security, the province remained in a hopeless state of depression for many years.

At length strong representations were made to his Majesty's Government of the injury which the province suffered from settlers not being able to obtain lands, except as the tenants of or purchasers from these extensive proprietors; and instructions were given in 1773 to vacate these improvident grants, in order that the same lands might be granted to persons who would engage to settle on and improve them, on such terms as, it is said, would shortly be promulgated.

But this project for the better settlement of Nova Scotia, however well intended, failed, in consequence of the powerful remonstrances of the original grantees, among whom were some of the first men of the kingdom.

The attention, however, of Government having been thus turned to the evils resulting from these large grants, an order from the King in Council, issued on the 20th July 1773, declaring that the state and condition of his Majesty's colonies and plantations in America did, both in justice and expediency, require that the authority for granting lands therein should be further restrained and regulated; and ordering the Lords Commissioners for Trade to take the subject into consideration, and suggest such alterations as they should think fit to be made in the instructions: and all Governors were directed, in the meantime, not to issue any warrant of survey, or pass any patent for lands in the colonies.

In February 1774, an additional instruction was issued by his Majesty, founded on the report of the Lords of Trade, annulling all former instructions, and establishing an entirely new mode of disposing of the lands of the Crown.

It required the Governor to cause such parts of the province as might be more advantageously settled to be actually surveyed and divided into lots of from 100 to 1,000 acres each, and then to sell them at public auction to the highest bidder, at an upset price of 6*d.* per acre. The purchaser, on payment of the purchase-money, was to obtain a bill of sale, upon producing which to the Governor, he was to receive a grant in fee-simple, on payment of the usual fees, subject only to the reservations of precious metals, and to an annual quit rent of  $\frac{1}{4}$ *d.* an acre: and the Governor was directed not to dispose of any lands in the province on any other terms under any pretence whatever.

In pursuance of this instruction, upwards of 83,000 acres of the best land then remaining in the right of the Crown were surveyed and divided into lots of suitable dimensions; but though a long public notice was given, not only in this, but the neighbouring colonies, now the United States, of the intended sale of those lands, not a single purchaser offered; and thus a well-intended project for the settlement of the country proved abortive.

Shortly after the breaking out of the revolutionary war, a letter was received from Lord Dartmouth (dated 1st July 1775), stating that his Majesty considered that Nova Scotia might become a happy asylum for many unfortunate families under the necessity of abandoning the rebellious provinces, and directing the execution of the instructions for the sale of lands to be suspended, and gratuitous grants to be made to such loyalists as might take refuge in the province.

The Governor took this occasion to represent the impossibility of providing suitably for their accommodation, unless steps were taken to re-invest the Crown with the extensive tracts before alluded to as having been left desert; and instructions were consequently given to escheat such of those lands as were not settled according to the terms of the patents.

The non-resident proprietors, however, more than ever anxious to retain their lands, when they saw a prospect of their acquiring an increased value from the expected influx of numerous new settlers, vehemently opposed the measure, and in too many cases with success.

Nevertheless, large quantities of land were escheated, and regranted shortly after to actual settlers, who were chiefly refugee loyalists; and the province now begun to prosper.

In 1782, its whole amount of population was only 12,000; while in 1784, Governor Parr reported that grants had passed for 4,882 families, amounting at four to a family to 20,120 souls. And that many more of the newly arrived families were settled on their lands, whose grants were delayed for want of surveys.

In 1790, certain grants having been made which were disapproved of, his Majesty thought proper to forbid the further granting of lands, which prohibition continued till 1808. During this period numerous emigrants resorted to this province; many settled without authority wherever they could find lands vacant, and some obtained licenses of occupation during his Majesty's pleasure.

In 1808, the prohibitory order before mentioned (but which does not appear to have been very strictly attended to) was removed, and a new set of instructions issued; the prominent points in which were, that the quantity of land to be granted to any individual should be restricted to 100 acres to the head of a family, and 50 acres for each child, but not to exceed 500 acres in the whole, without the permission of His Majesty; that the

Evidence.  
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grantee should improve, within five years, these acres for every 50 granted, or keep three head cattle for every 50 acres of barren land; and erect a house; and should pay annually 2s. sterling quit-rent for every 100 acres after two years from the date of the grant; the grant to be void in failure to comply with these conditions within five years.

Under the operations of these instructions, the settlement of the province went on rapidly.

Still many irregularities, productive of serious evils, were committed. Notwithstanding the ease with which an authority to settle could then be obtained, and the moderate expense of a patent, numerous unauthorized settlements continued to take place; and it not infrequently happened that the local Government, from having no knowledge of these unlawful proceedings, were induced, by false representations, to assign or grant lands held in this irregular manner and under improvement, to others than the occupants, in the belief that they were in a wilderness state.

Thus disputes arose, and endless and most embarrassing representations of conflicting claims to lots were made to the Lieutenant-governor.

To remedy these irregularities, to facilitate the location of emigrants and natives in poor circumstances, and to promote all objects connected with the settlement of the country, a board of commissioners, consisting of the principal magistrates and members of the agricultural societies, was appointed in every county in 1821.

All petitions for land were, in the first instance, presented to these boards, who forwarded them to the Lieutenant-governor with their observations; but if the applicant were an emigrant, or other poor person in want of an immediate settlement, the board had authority to grant him a ticket of location without any previous reference to the Lieutenant-governor, the allowance at this time being, in all cases, to a married man 200 acres, and to an unmarried man 100 acres.

In this manner the settlement of the country was conducted until 1827, when the existing system of disposing of the Crown lands by sale was established.

1245. Did this change in the system give satisfaction?—No. Previous to its adoption, Sir James Kempt received an outline of the plan from Sir Wilmot Horton, and this having been submitted to the Council for their opinion, as to the expediency of adopting it in Nova Scotia, a report on the subject was transmitted to the Colonial-office, showing the inapplicability of the proposed system to this province, and Sir James Kempt, fully concurring in this opinion, earnestly recommended that his Majesty's Government would pause before they extended the new regulations to Nova Scotia.

1247. What reply was given to it?—None, to my knowledge. Sir James Kempt soon after received a despatch from Lord Bathurst (1st March 1827), stating, that it was desirable that a uniform system of disposing of the Crown lands should be established in the North American colonies, and directing the strict observance of the instructions which were at the same time transmitted for the sale of Crown lands.

1248. What proceedings took place on the receipt of these instructions?—Sir James Kempt immediately gave publicity to them, and declared, that thenceforward unappropriated Crown lands could only be obtained, according to the new regulations, by purchase. In justice, however, to the numerous persons settled under the authority of Government with incomplete titles, notice was given, that all settlers so circumstanced would be allowed to obtain grants on the accustomed terms, provided the fees for the same were lodged at the proper offices before the 1st January 1828, but not otherwise. And the commissioner of Crown lands did all in his power to give effect to the new instructions.

1249. Did many persons take out grants in consequence of this offer?—Yes, about 1,200 persons availed themselves of it in Nova Scotia Proper, and have since received their grants, containing in the whole about 200,000 acres; and in Cape Breton, about 1,100 persons did the same; but many of these grants still remain incomplete for want of surveys, for which the settlers, in most cases, are unable to pay.

1250. What fees were payable on grants under the old system?—The expense of a separate grant to an individual, of from 100 to 150 acres, was from 12*l.* 10*s.* to 15*l.* 5*s.* currency; but, to save expense to the grantees, it was the invariable practice, unless otherwise requested, to include five persons in a grant, whereby each grantee's proportion of the expense was, for 200 acres, about 3*l.* currency, including every attendant charge, except that of the survey of the land.

1251. What is the expense of the grants under the new system?—The upset price of land being from 2*s.* 3*d.* to 2*s.* 6*d.* an acre, the price of a grant of 100 acres varies from 11*l.* 5*s.* to 12*l.* 10*s.*, and of 200 acres, from 22*l.* 10*s.* to 25*l.* 10*s.* currency, including the cost of survey.

1252. When is the purchase-money paid?—Under the instructions originally received, it was permitted to pay the purchase-money by four instalments, without interest, the first being payable at the time of sale, and the second, third and fourth at intervals of a year; but, in 1837, this arrangement was abolished, and purchasers are now required to pay 10 per cent. of the purchase-money on the day of sale, and the remainder within 14 days.

1253. How has this regulation operated?—Very injuriously in this province, especially in the island of Cape Breton.

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1854. What reasons were assigned for making so?—In a despatch from Lord Glenelg, 24th February 1837, the tendency of the practice of paying by instalments is said to lead settlers to buy more land than they require, and consequently to disperse them over a wider extent of country than they can beneficially occupy; and, in the cases of timber-land, the system is declared still more injurious, as it induces speculators in timber to purchase the land on which it grows, by the payment of the first instalment, who, after stripping it of its timber, abandon it, whereby large tracts of land are for a long while left uncultivated and unoccupied.

1855. Do these reasons apply in Nova Scotia?—No; there has not been, I believe, a single instance here (certainly not more than two or three) of persons buying more land than they want for their own use, and not a single instance probably of parties buying land for the purpose of despoiling it of its timber; on the contrary, the greater part of the purchasers in this province had been long previously settled on their lands.

1856. In what respects has this rule operated injuriously?—By checking the sales of Crown lands, few settlers being able to pay the full price at the time of purchase, and by occasioning the continuance and increase of the unauthorized occupation of the lands of the Crown; for example, the emigrants who resort to this province arrive utterly or nearly destitute, and, in almost all cases, disembark where there is no demand for labour; these poor people, of course, cannot purchase, and they are consequently compelled, for the preservation of their lives (their neighbours, nearly as badly off as themselves, being little able to afford them assistance), to take possession of the first piece of unoccupied land, granted as ungranted, they discover, whence they raise a few potatoes, on which, for the first two or three years, they solely depend for their miserable existence; if the land is private property, they are probably turned off, losing their improvements, or obtaining a very inadequate compensation for them; if it belongs to the Crown, they are doomed to remain as long as they live (provided the existing regulation continues), without any hope of obtaining a title, suffering, in addition to their many and almost intolerable privations, the painful anxiety which an insecure tenure commonly occasions. In this manner, Nova Scotia is, or soon will be, overrun by unauthorized settlers; and I learn, from the commissioner of Crown lands in Cape Breton, that they are crowding into all parts of that island in such numbers, that persons desirous of purchasing can scarcely select one lot to which some self-constituted settler does not set up a claim.

1857. How would you propose to remedy these evils?—In the first place, the extent of such irregular occupation of the Crown lands, and the exact position of every lot held without authority, or under some incomplete title, with the name of the occupant, should be ascertained, in order that steps may be taken to quiet all such possessions, and secure to every settler so situated 100 acres of land, including his improvements, on condition of his taking out a title within a specified period, suppose three years; the acquisition of this information would be a work of great labour, and attended with much expense; but it must be obtained, or the consequence will be deplorable; in Cape Breton alone, it is estimated that 30,000 persons, or one-half the population of the island, are seated on and maintained by land for which they have no title, or merely a license to occupy; then, presuming that no departure from the principle of sale will be allowed, I would recommend that the practice of paying by instalments be again permitted; that the first instalment should not be required from settlers now in the occupation of Crown lands for three years from the date of an official notice requiring them to take out grants; the three other instalments being payable at intervals of a year.

With respect to emigrants and natives in indigent circumstances, I would recommend that, on the payment of a moderate fee to the surveyor-general, they should receive tickets of location, and be considered as the future purchasers of the lots assigned to them, at the upset price, care being taken that their lots be duly surveyed, and plans thereof made and returned before they are put in possession.

The expense of the survey should, in the first instance, be advanced by Government, but would ultimately be paid, as forming a part of the price of the land, by the settler, in four instalments, the first not being payable until four years after the date of the ticket of location. At the same time, ready money payments, if deemed expedient, might be required from those who could command the full price at once. But if some such plan as this were adopted, the Crown lands would produce little or no revenue for three years, and not enough to pay the ordinary expenses of the land department for eight years.

It would be necessary, therefore, to provide salaries for the commissioners of the Crown lands, which might be made chargeable on some other branch of the casual revenue.

The present question, however, involves so many difficulties, that I am not prepared to answer it fully; but of this I feel persuaded, that if the task were left to the Governor and Council (and I do not see how it could be successfully accomplished, except by persons possessed as they are of an intimate knowledge of local peculiarities), they would, with the assistance of the commissioner of Crown lands, have it in their power to frame some effectual plan for curing the existing evils, for the protection of illegal occupants of the Crown lands, and for the better conduct of the settlement of the province in future.

1858. What was done in Cape Breton under the instructions of 1837?—If those instructions

Evidence.

Sir A. George,  
Bart.

*Examiner.*  
*Sir A. George,*  
*Bart.*

tions were inapplicable to Nova Scotia Proper, they were doubly so as regards Cape Breton, inasmuch as that island was, in a greater degree than the rest of the province, occupied by irregular settlers, whose poverty had prevented their making application for the land on which they were settled; and who, consequently, could not be expected to purchase under the new regulations; and, on referring a copy of the instructions to Mr. Crawley, to whom the Lieutenant-governor then (1827) offered the situation of commissioner of Crown lands, that gentleman so forcibly expressed his opinion that their tendency would be to retard the lawful settlement of the country by the increased expense of obtaining grants, and to create much suffering among the numerous class of the population I have just alluded to, that it was not deemed expedient to extend a new system, in the whole, to Cape Breton; but authority was given to the surveyor-general to grant licenses of occupation under the 11th section of the Instructions, to the benefit of which saving clause the island was considered to be entitled, as no part of its ungranted land had been surveyed; and it might, therefore, be considered, to use the words of the document, "a distinct district not surveyed." A great number of persons were settled under that authority till 1832, when the Secretary of State, having expressed his surprise at finding that the system of sale had not been introduced, Sir Peregrine Maitland appointed Mr. Crawley commissioner of Crown land, and directed him to carry the instructions into full effect. From that period to the 31st December last, he appears to have sold 34,388 acres; but the proceeds have not exceeded the expenses of his department.

1259. Your opinion as to the defects of the present system of sale may be collected from your former answers; what were the chief defects of the former one of 1808?—The want of some regulations sufficient to enforce the survey of lands assigned to settlers previously to their going into possession, and to oblige them to take out titles without delay. Many years commonly elapsed between the dates of the warrant of survey and patent, though the former was received by the settler on condition of his taking out a grant within six months. Many disputes and much litigation have arisen, and will yet arise, from this cause.

1260. Was the operation of the boards of land commissioners beneficial?—The advantages expected from their establishment were not fully realized. A very laudable degree of attention was paid by some of the boards to the business referred to them, and the information they afforded was frequently of much use in enabling the Governor to decide between the pretensions of contending parties. My opinion, however, is, that the appointment of these boards did not conduce to the more regular settlement of the province, and that their operation was not, in the whole, beneficial. One of the objects strongly recommended to their attention, was to urge settlers, without delay, to take out grants, the greatest evils having arisen from delay in this respect. It appears, however, that while in the six years preceding their establishment, 2,733 persons received grants, amounting in all to 589,383 acres, only 182,734 acres were granted to 1,010 persons during the six years of the existence of these boards.

1261. I have heard that large quantities of land heretofore granted are liable to escheat; have you any thing to say on this head?—I regret not being able to add to the information you have already received on this subject. It may be well, however, to state that, in some cases, I apprehend it would be found that lands, which have been wholly neglected by the grantees or present proprietors, have been improved by persons without their knowledge or authority, sufficiently to exempt them from forfeiture.

1262. Has it been determined that such improvements would bar an escheat?—Not judicially; but the attorney and solicitor general here recently gave it as their opinion that improvements so made by unauthorized settlers, if to the extent required by the terms of the patent, would have that effect.

1263. What is the expense of escheating a grant?—About 20*l.* currency; the expense being the same whether the grant be of 100 or 500 acres.

1264. Who pays the expense of the escheat?—The person petitioning for it, who does so in expectation of obtaining a re-grant of the land, or part of it, for himself.

1265. Are such applications for escheats frequently made?—Very seldom of late; probably not more than once or twice in the year.

1266. What quantities of land have been escheated in the whole?—About 2,154,000 acres, of which 1,945,373 were escheated for the loyalists between 1774 and 1782.

1267. What is the amount of the nett proceeds of the sales of Crown lands paid into the casual revenues since the first establishment of the system in 1827?—One thousand and forty-two pounds twelve shillings and eight-pence currency; 894*l.* 2*s.* 8*d.* sterling. From the sale in Cape Breton nothing has been received.

*Titus Smith.*

*Titus Smith.*

1271. HAVE you been long a resident of this province?—Since the year 1783.

1272. Am I right in supposing you have considerable information on the subject of agriculture, and have remarked on most parts of the province?—I have, on every district of the province. My object in visiting them was to remark on the lands most desirable to be brought into cultivation, and on the lands incapable of improvement. I was employed by



by Government for this purpose. One object of the inquiry was to avoid running roads over a country not capable of improvement.

1273. Will you favour me with the result of your observations on each district of the province in reference to the soil and to capabilities for agriculture?—The province is divided into 14 counties. Digby county, until within a year or two, formed part of the county of Annapolis; it is the west portion of Nova Scotia, and contains about half a million of acres. One half the county is a low mountain range of solid rock, with broken stones and patches of earth, and some deeper earth that admits cultivation. The parts of the country bordering on the sea admit of considerable cultivation. There is a large tract of good land at the west, and which is not settled for want of roads.

1274. What portion of this county would admit of cultivation?—About half of it is, in some degree, capable of cultivation.

1275. Has all the land capable of cultivation been granted?—All the blocks are; the isolated pieces are not.

1276. How much of the granted land do you think is occupied?—About one half is in some degree settled.

1277. What portion of the occupied land is in cultivation?—But a small part is under the plough; there is a great deal of pasture, which is necessary in order to keep a small spot well manured. A farm requires cultivated land to produce hay for winter; and there is a great deal of corn required for cattle; the cultivation would be improved with more labour, and the land would be capable in proportion of maintaining more inhabitants.

1278. Is there a large portion of land in possession of farmers left altogether out of use by occupiers of land?—Numbers have large tracts in wood uncleared.

1279. How long would it take an industrious man to bring 50 acres into cultivation?—Some industrious men would do it in eight or nine years.

1280. Is it a common thing to have a farm of 100 acres cleared?—It is a much more common thing to have the cultivated ground not to exceed 25 acres.

1281. In cases where there are 25 acres cultivated on a farm, what quantity of land would be required besides?—About 50 acres for pasture, and about 25 acres for wood.

1282. What is considered a fair price for good lands in a wild state?—The Government upset price is 22. and 32. per acre; it sometimes brings 50. per acre on public roads. Good lands in a desirable situation, 14 miles from Halifax, have brought 102. per acre. Land in this country is very variable in its price, and is much an object of speculation; but with all the changes, land has risen in its price within 41 years double; within the last 10 years I think land has not increased at all.

1283. What wages are paid for labour?—If paid in money, labourers 22. exclusive of keep; in some cases they receive 34.; in winter there is a want of work; the highest price I think is 32. 6d.

1284. Is there any want of labour in the country?—There are plenty of hands everywhere.

1285. What would be the price of a comfortable house for a settler?—A log house would cost 204.; a four-roomed, two-story house, well furnished, would cost 1504.

1286. What is given for clearing an acre of wild land?—The average price for cutting down would be 35s. per acre, and it would cost as much more to roll and burn.

1287. Would that prepare land for cropping?—Yes.

1288. How much more an acre would it cost to take out the stumps?—On hard wood land stumps might be taken out in eight years, at little expense; in soft wood land they might not decay under 20 years; in spruce land they would decay in seven or eight years.

1289. You have said half the lands in this district are granted, and only a portion of this is in actual cultivation; how do you account for the remaining portion not coming into a state of improvement?—The want of roads. Settlers cannot go far from roads; they cannot afford to make roads for themselves.

1290. What do you consider the expense of making roads per mile?—A road sufficient for first settlements could be made at 1004. per mile, including bridges.

1291. Do these remarks apply generally to other parts of the country?—I believe they will, pretty generally; at times there may be a little variation in wages from extra business, but things soon find their level.

1292. What description of persons inhabit the county of Digby?—A considerable number of French, descended from the old Acadians, who live very much to themselves, a quiet harmless people; the remainder of the inhabitants are American loyalists.

1293. What is the character of Annapolis county?—Annapolis county borders on the Bay of Fundy, and all that part towards the bay contains a considerable portion of land capable of cultivation; about half the land in this country is worthless land, in solid hills of granite on a kind or species of trap or slate; on some of the hills on the granite land there is hard wood, and soil for cultivation.

1294. Can any part of trap or slate land be brought into use?—It is quite useless, I think.

1295. Can you form an estimate of the portion of this county capable of cultivation, and the quantity that is granted and that is barren?—More than one-third is capable of cultivation; half the remainder is granite, with parts capable of cultivation; and the rest is trap, but having parts capable of cultivation.

1296. Are any large portions of the good land as yet unsettled?—There are no large portions unoccupied.

1297. Is there much good land ungranted, and remaining in the possession of the Crown?



Evidence.

T. S. Smith.

Annapolis.

1297. Very little in this county; what there is, is in isolated pieces and separated by useless land, which could not be used without previous commutation being made and kept up.  
1298. It has been said, that the county of Annapolis comprises 100,000 acres, and about half is granted; is that according to your computation?—I have no made computation of actual surface; but this agrees sufficiently with my observation.

1299. What portion of the granted lands do you suppose is in a state of cultivation?—About one-quarter is in some kind of cultivation; I question if more than one-tenth has ever been ploughed.

1300. Does the county of Annapolis advance as much as might be expected in improvement?—It has advanced but little of late years.

1301. What is the cause of the slowness of improvement in this county?—To a check in the fishery at one time, and to a general depression which has existed in the province for some time; things are coming round.

1302. What is the principal cause of neglect, and want of roads, in certain parts of the county more than others?—The mode of arranging the road money. Each individual in the House of Assembly wishes to have as large an appropriation of money to his district as possible; and those parts not inhabited are too much neglected.

1303. Is there a good harbour for shipping at Annapolis?—There is a good harbour for coasting vessels; I do not know about large vessels.

1304. Is there much ship-building in this district?—A number of small vessels are built here.

1305. Are there any minerals supposed to be available in this county?—There is much iron ore. I do not think it has been properly worked, although attempts have been made to work it.

1306. Has this county any other particular quality?—In the herring fishery there is a great deal done.

1307. What is the character of the inhabitants of this district?—They are partly descendants of American loyalists, and partly Americans, who settled previous to the revolution.

1308. What did you observe as to King's county?—King's county is situated on both sides of the Basin of Mines; more than half of this county is capable of cultivation, the other part is of granite hills chiefly.

1309. Is this county much improved?—It is better improved than Annapolis.

1310. Is there much good land in this county still unsettled?—There is very little I believe unoccupied.

1311. Is it still capable of much improvement and of increase of population?—About Passborough there is room for considerable improvement, and the land might support double the number of persons now in the county.

1312. Has this county any other resources besides agriculture?—There is some fishing, chiefly of shad; there is a native copper found here, but I do not think it goes to any extent; there is a native copper scattered, but no ore.

1313. Is there much land still in possession of the Crown capable of cultivation?—Very little indeed in this county.

1314. What country people settled this part of Nova Scotia?—The majority of them were descendants of English families from New England.

1315. What county bounds King's county?—The North is bounded by Cumberland, which is the most northerly county of Nova Scotia.

1316. What is the character of Cumberland county?—There is a great deal of dyke marsh in the north of this county, bordering on New Brunswick; there are 80,000 acres in one marsh; the remainder of the county is a mixture of poor land and granite hills; there is good land on the gulf shore.

1317. Are there many inhabitants in this part of the province?—There is a considerable number of inhabitants who inhabit the head of the bay and the gulf shore.

1318. What are the recommendations of this district?—There is not much agriculture except on the marshes; there are considerable coal mines which can be worked with advantage at any time; there is also a considerable trade in grindstones with the United States; those grindstones are thought to be superior to any from Europe.

1319. How is this part of the country supplied with harbours?—The want of safe anchorage near the grindstone quarry and coal mines is a great drawback.

1320. Could this not be remedied?—I think a good harbour could be made at no great expense; there is abundance of stone at hand which they are constantly working.

1321. Have you crossed the neck of land which divides the Bay of Fundy from the St. Lawrence?—Yes.

1322. What is the distance?—About 14 miles.

1323. What is the nature of the country?—A low, flat, sandy country.

1324. Is the country much above the level of the sea on either side?—I do not think any part is more than 25 feet above the level of high tide at Cumberland.

1325. At high tide is the level of the water of both sides supposed to be the same?—At the top of high water I should think that the water would be 27 feet higher at Cumberland than the bay.

1326. What is the rise of the tide at Cumberland, and what is it at the Bay Verte?—I think seven feet is the rise of the tide at the Bay Verte, and 60 feet is estimated to be the highest rise of tide at Cumberland.

1327. Then you suppose at half tide there would be an equal level?—Yes.

1328. Through

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Time: Smith

1336. Through what soil would the bed of a canal require to pass connecting the Bay of Fundy with Bay Verte?—Generally sand with more or less loam.

1339. Would such soil retain the water sufficiently for the purpose of having a canal?—I think it probable clay would be found below the sand, if not, clay would require to be brought three or four miles from the marshes, but I think clay would be found nearer.

1330. What is the nature of the coast where the canal would terminate?—It is shallow at the Bay Verte; it is deep enough for ships at the Cumberland side.

1331. How would the country suit for a railroad?—I think remarkably well, it might be a straight line; the country is almost level; it is the easiest place in Nova Scotia for a railroad.

1332. In what part of the country are the coal mines situated?—They are in different parts, and on the shore of the Bay of Fundy, as well as on the Gulf of St. Lawrence side.

1333. Is there much room for increase of population in this district?—The county is capable of great improvement, and of great increase of population.

1334. What is the character of the inhabitants of this district?—There are some French who are the least respectable of the inhabitants; the rest of the inhabitants are generally industrious, and are descendants of Yorkshire people.

1335. Is there much of the district remaining in the possession of the Crown?—I believe very little worth having remains in the possession of the Crown.

1336. What remains have you made as to Hants county?—About Windsor it is very thickly settled, and the land is excellent, probably half fit for cultivation; the remainder of the country is composed of granite and low land, a great deal of the land is considered fit for settling, and a great deal of the low land is poor soil resting on plaster, but to be improved with cultivation, and may eventually be better than what is now counted richer land; a good part of this county is kept back by being settled with a bad class of settlers.

1337. Does this district offer any recommendation besides that of agriculture?—There is a great trade in plaster of Paris with the United States, all along the basin of the Bay of Fundy, which employs a great many people.

1338. Is there much of this district remaining ungranted?—I believe a considerable part.

1339. Does this part of the county admit of much improvement and increase of settlers?—The settlers might be increased, and the county would benefit much by steady settlers. The land in this district requires care, and runs out of cultivation when neglected.

1340. What is the character of Colchester district?—It is very populous, there is a good deal of valuable marsh round the head of the Bay of Cheguod, and good land on the River Stuviaeke; there is also a mixture of timber land and land fit for cultivation; there is no extensive waste or barren in this district, and the county is settled with an industrious people, the descendants of Irish Presbyterians from New England, and loyalist families.

1341. Is there much of this district remaining ungranted?—Not much that is good for anything.

1342. Is the land so held as to admit of much division and increase of population?—Yes, there may be great improvement, and the population might be doubled.

1343. What is the character of the Pictou district?—There is a good deal of good land in this district, some near the shore; and on Hard Wood Hills there is a valuable mine of coal near the harbour, which is rapidly increasing in importance; there is also plaster of Paris, but not near enough to the shore to be worked; they have also tried to make salt.

1344. What description of settlers are to be found in this district?—The great majority are the descendants of the Highlanders; a good many neglected their farms, in consequence of the lumbering business, and are not so well off now.

1345. Is there much land in this district still ungranted, and capable of cultivation?—Not much, I should think.

1346. Is the land improved as it might be?—The most of the settlers have more land than they require, and there is room for great improvement.

1347. Does Sydney county possess good land?—It is much such a district as Pictou as to agriculture; but no coals have been found in it.

1348. Is this county well settled?—Some parts of it are; the southern coast has a great deal of bad land; there are many good harbours on the shore, and the people prefer coasting and fishing to farming; there is also a coasting wood trade.

1349. Is there much opening for improvement in this county?—There is considerable.

1350. What class of people are settled in this district?—Acadian French, Highlanders, and some of Irish descent, with some American loyalists.

1351. Does Halifax county possess much good land?—No.

1352. Is all the land capable of cultivation occupied?—Chiefly, except in isolated spots, and when a want of roads prevents settlements.

1353. What portion of the whole county is applicable to agriculture?—About a fourth part.

1354. What is the remaining portion of the county composed of?—Large tracts of almost naked granite, trap and slate rocks, capable of producing very little.

1355. Is the good land in the county of Halifax pretty generally occupied?—Yes, pretty well.

1356. Is there room for many more settlers?—Yes, particularly on the coast, where there is a great neglect on account of the fishery; there is excellent mackerel and herring fishing off the township of Halifax shore.

1357. What kind of land is to be found in Lunenburg county?—About one-third is worthless, on account of being naked granite; the remainder has some good land, particularly

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cularly about Luxenburg; in this county the people are frugal and industrious; they are of German descent.

1358. Is this county well peopled for the proportion of the land at the disposal of the inhabitants?—It has almost treble as many inhabitants as any other portion of the province of a similar character.

1359. Have you been on the Labave river?—Yes.

1360. Is that portion of the country well filled and improved?—It is, pretty generally; this county is pretty well peopled every where; the south-west part is not so much settled; this part will be more thickly settled, and will improve yet more; the land there requires a good deal of manuring.

1361. Are there any mines or minerals in this district?—There is a probability that iron ore may be found here.

1362. Has coal been found in the vicinity of Labave river?—No, it is not the kind of country to produce coal.

1363. Is any part of the southern coast of this province likely to contain coal?—No, there is no probability of it.

1364. What is the character of Queen's county?—The fourth of it may have a portion of land fit for cultivation; one-half of it is totally worthless; floating bogs and barrens, and unfit for any thing; the other fourth is timber land.

1365. Are there many inhabitants in this county?—Not many; the town of Liverpool is the most important place, and has a good harbour for shipping; and there are several good harbours for coasting craft.

1366. What are the productions of this county?—The timber used to be good, but it is nearly exhausted; the Liverpool people have been carriers, and are so still; there is also considerable fishing carried on from Liverpool.

1367. What is the character of the people of this county?—They are descendants of people who came from America before the war; there are also many descendants of American loyalists.

1368. Are they not an agricultural people?—No, there is not much room for agriculture.

1369. What portion of the county of Shelburne is capable of cultivation?—About a fourth of it is fit for cultivation and pasture.

1370. What is the character of the remaining portion?—Of the remainder, more than half is barren, unfit for timber; the rest of the country has some timber, especially some oak, fit for ship-building.

1371. Are there many inhabitants in the county?—Shelburne and Barrington are the principal places; at Shelburne there is a trade of granite, which is increasing; Barrington is getting a fair fishing business and carrying trade; the rest of the county has few or no inhabitants, except on the sea board. If this province ever becomes a manufacturing country, the numerous streams of water in this county fit for mills will make it valuable.

1372. What class of people inhabit Shelburne?—Most of the people are descendants of American loyalists.

1373. Is there any part of Nova Scotia not yet described by you?—Yes, Yarmouth county, which was a portion of Shelburne county till lately; this county is rather less than half barren, and the remainder has a large proportion of habitable land intermixed with swamp; the shore is pretty thickly settled; the interior has few inhabitants; the people lumber a great deal, but, if roads were made in this county, the agricultural population have succeeded so well, that much improvement would be made.

1374. How was the county settled?—Yarmouth Town was settled from Americans, before the revolution; the remaining part of the settlers in this county are descendants of loyalists, except a small settlement of Acadian French.

1375. What is the principal occupation of the inhabitants?—Fishing, ship-building and carrying lumber; the people are stirring and industrious.

1376. Is the prosperity of the province much checked for want of roads?—There is a want of roads in some parts, and in other parts roads are not kept in repair; I have seen such beneficial effects produced by good communication, that I am sure the prosperity of the country depends upon it.

1377. What system is now provided for road-making?—There is a statute labour of six days to each householder, and for labourers and other persons two days; the labour is under the direction of overseers and commissioners.

1378. Does this system of statute labour work well?—In many places the people do not work as they ought.

1379. Does the system of statute labour cause a proper division of labour or improvement throughout the country?—The overseers generally attend to parts of roads and to particular districts.

1380. What is the case when 10 miles or more of a road require to be run through unoccupied land?—This must be entirely done by grant from the House of Assembly.

1381. Does it sometimes happen that a road runs a distance through land capable of improvement, but having few or no settlers?—Yes; between Shut Ham and Musquidabit, I passed over 80 miles of land capable of cultivation, with only one settler.

1382. How do you account for this?—The land belongs to people who do not intend to settle on it themselves, but who hold the land on speculation.

1383. Would this land be occupied if people could procure it in small lots?—I do not doubt but that it would.

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1384. Would not the proprietors part with this land on moderate terms?—A great many people have false ideas about land, and think it worth a good deal more than it really is.

1385. Are there many parts of the country kept out of cultivation, in the same way as the portion you mention?—A considerable portion in many places.

1386. You consider that the large blocks of land, being in the hands of proprietors, and not undergoing improvement, a decided check to the advancement of the country?—Yes, I do.

1387. What do you propose as a remedy for this evil?—We have an escheat law; but in cases of 100 acres, the expense of escheat and obtaining a fresh grant is so great, as, in many instances, to prevent application for escheat being made; if lots were escheated at the expense of Government, and then disposed of as Crown lands, there would be many lots applied for settlement.

1388. What would be the expense of escheat for 100 acres as at present?—People have paid 25*l.* for 100 acres for escheat and grant.

1389. What, in your opinion, would be the effect of a tax in the form of a penal tax on lands not improved?—A tax would cause those lands to be settled or disposed of.

1390. What ought to be the amount of such tax, provided the same was judiciously applied towards the improvement of the country?—For each 100 acres or land capable of making a farm, there should be a tax equal to the price of six days' statute labour, say 15*s.*

1391. Do you consider that farms settled, and other improving properties, should contribute to the same tax?—They should contribute in the same proportion of six days' work for 100 acres, the work now given to count.

1392. Has much money been granted towards roads by the House of Assembly, of late years?—Considerable sums; last year, I believe, 10,000*l.* was granted; some years, I believe, 24,000*l.* has been granted.

1393. Is this money, in your opinion, well appropriated to meet the purposes intended?—It has done much benefit to the country, but might have done much more; it is very often spent much more where it is not wanted than where it is; it is frequently given to populous districts, where the people can make their own roads; the uninhabited country gets but little; it is also frequently divided into small sums, and put into the hands of a number of commissioners, who generally know little about road-making.

1394. And why is this the case?—Great part of our representatives think it their duty to oblige, as much as possible, their constituents.

1395. Is it the case, that absentees and persons holding lands not occupied or in cultivation, do not contribute, in any way, to making roads?—I believe they do not now at all.

1396. Have you occasionally done duty as surveyor?—Yes.

1397. Can you state the mode in which you put a settler in possession of his ground?—I take the nearest angle or boundary of a lot already appropriated, or a lake, or some known place, and run off the lot from that.

1398. Can such surveys be depended on?—Several of them cannot, in some places, 10 per cent. must be allowed; the grants on the shore are not to be depended on; the old surveys are very inaccurate.

1399. Does it ever occur that the same land has been granted twice over?—Frequently it has been the case.

1400. Is there much litigation caused by inaccuracy of surveys?—A good deal.

1401. What expense does a settler incur in obtaining possession of land, including fees, but exclusive of purchase-money?—He pays nothing for survey, but assists the surveyor with his labour.

1402. When a settler is desirous of possessing Crown lands in the country, how long would it be before he could get possession of his land?—If he knows what piece of land to apply for, he might be located in a month.

1403. How much money ought a man to have to settle land with good prospect of success, supposing he has five in family (not including the purchase of the land)?—He ought to have 100*l.*; some would get on with less; a man would the first year require to cut down, the following year he must crop the land.

1404. Could a man so settling afford to pay any rent, after a few years?—He might pay some.

1405. Could he pay 3*d.* an acre the fifth year?—I think he might.

1406. Could he pay more the following year?—He might, 6*d.* an acre.

1407. How much could he pay the seventh year?—He could probably pay 9*d.*

1408. What do you think would be right to ask for the remaining years?—It should say 9*d.* an acre would be enough.

1409. Do you think the above conditions would hold out such encouragement, with permission to buy at any time, at 20 years' purchase, and would those terms, in your opinion, be such as to lead to improvement in the country?—I think it would, when the land is worth settling, if the tenure is for 999 years.

1410. Would any security be required to prevent persons abusing such offers as those by cutting timber, and deserting the properties?—It would be necessary to have security.

1411. What would constitute a sufficient security in such cases?—Persons ought to be prohibited from selling timber, unless they purchase the land; this would prevent many from taking land on the above terms; the surveyor ought to report if it is timber land, or land fit for cultivation.

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1412. Would a survey of the country, such as could be depended upon, and one that would enable land to be accurately ascertained, advance the general welfare of the country?—It would cut off a great deal of ground for litigation; besides it would afford facility for acquiring new possessions for settlers coming to the county; it would particularly, if old grants were rectified.

1413. How would you describe the provinces of Nova Scotia, as to its geological character?—The greater part of the province is a low mountain range, running the length of the province, resting on solid rocks of granite, trap and slate alternately; the trap forming broad and the slate narrow bands; the average amount of soil, mixed with broken stone above the rock, would be about three feet; the best lands on this are inferior to good lands on a different formation; the shore of the Bay of Fundy, from Long Island to Cape Split, is a different rock, the basis of which is almost every where amygdaloid. That is separated from the ancient rock above named, by St. Mary's Bay, Annapolis Basin, the valley through which Annapolis river runs, and the Corawallis river; in addition to this, you must except all that part of King's county, which is east of the Basin of Mines, and the half of the counties of Hants, Cobequid, Sydney and Guysborough, the greater part of the counties of Cumberland and Pictou, and a very small portion of the county of Halifax or Musquidabit; these lands rest upon sand-stone, greywacke, gypsum, limestone, porphyry and many other kinds of rock, and the soils of the good lands on these are deep; barren portions are chiefly sand and clay; in this district all our coal is found; in the neighbourhood of gypsum, salt springs are very frequent, and also a species of magnesian limestone, containing abundance of the shells of young cockles, all about one size, something less than half an inch diameter, appearing to be the same species as a cockle now living on the shores, which, when full grown, is about two inches in diameter, seeming to indicate that the material which formed these masses of limestone was raised from the sea at one time, as the cockles they contain are about the size of the young cockles of four weeks old; there are strong indications of copper ore in this district, as from Cumberland along the gulf shore to Pictou, copper ore is frequently found in small quantities in the sand-stone; the intervale, or alluvial soil is only found on those rivers which have gypsum at the head, and often at the sides of the intervale-streams in many instances above the gypsum, passing over such barren and rocky ground, that it appears they could hardly have brought any soil from the part above the gypsum.

1414. Within the last 30 years, in your opinion, has the population of the province increased in a fair ratio?—Taking the whole province, there is no doubt there has been an increase.

1415. Has the increase been from the natural growth of the province, or from emigration?—From both.

1416. Has there been any emigration from the province?—There has been from Halifax.

1417. Has there been much from other parts of the country?—There has been some.

1418. Do you consider the improvement of the country has been so great as it might have been, had roads been made with more skill, and if that part of the revenue appropriated for roads had been well laid out for the settlement of wild lands?—Certainly not.

1419. What portion of the land of the province, available for the purposes of agriculture, is at present occupied?—Including improved pasture, I should think one-half.

1420. Is that portion of land described by you as occupied capable of further improvements, and what further population would be required?—It would support twice the number of inhabitants by improvement better than it does the number at present on it.

1421. Is there any great room for the extension of the fisheries now carried on in this province?—I think there is great room for improvement; we ought to succeed better than the Americans, who, though double the distance from the fishing grounds that our fishermen are, carry on a more extensive business than we do.

1422. In reference to the mineral productions of the country, is there, in your opinion, room for any great increase of business?—There are more coal-mines than could be opened; the grindstone business is increasing rapidly, and the plaster of Paris offers an inexhaustible supply of that material; we are also beginning to export granite to the United States.

1423. Is there much opening for the continuance of the timber trade of the province?—The timber trade is diminishing very much, and there is no probability of an increase at any time in the business.

1424. Are the memoranda you are referring to those which were made at the time of your making those observations on the country in question?—They are my journals, which were written every night, while I was making those observations.

*Richard Brown, Esq., Mining Engineer.*

*R. Brown, Esq.*

1425. HAVE you resided long in the province of Nova Scotia?—Since 1826, except for a short interval.

1426. What part of the country have you principally resided in?—Pictou and Sydney.

1427. You have given attention to the geological character of the country; will you be kind enough to state what you have remarked on this subject in the island of Cape Breton?—The most valuable mines yet discovered in Cape Breton are the coal seams. Several other minerals have been reported, but are not yet attended to from want of sufficient encouragement after investigation has been made. There is a salt spring, which I think may be brought



brought into operation, and which would in connexion with the fisheries be very valuable, and would afford a market for coal of a description that cannot be shipped.

1428. How long have the coal mines been in operation?—About 50 years from the first beginning.

1429. How were the mines worked in the first instance, and by what parties?—They have always been leased by the Crown, and worked by different parties; the leases were of short duration, and no great advancement was made in improving the working of the mines. In the year 1827, the mines at Sydney were let by the Crown to the General Mining Association for 60 years; the parties pay 3,000*l.* sterling per year per 20,000 chaldrons, Newcastle measure, and 2*s.* currency per every Newcastle chaldron above that quantity: the terms to embrace all the coal mines of the province, and granted to the same parties.

1430. How did you find the mines at taking them in 1827, and what was their produce?—They could not have worked them much longer on the plan then pursued; the produce was about 4,000 Newcastle chaldrons per year. The company that leased them at this period introduced steam machinery, and opened new pits; and the mines have of late years been regularly increasing, and last year they produced about 70,000 tons.

1431. In your opinion is this increase likely to go on?—There is every probability of it. The demand is increasing; and we are expending new capital, for the purpose of extending the work to meet it.

1432. Is there any doubt as to coal being in the country, so as to meet future demands?—There is coal enough in Cape Breton to supply the world for centuries.

1433. What is the price of coal at the place of shipment?—At Sydney it is 14*s.* 6*d.* currency per ton. Bridgeport, 14*s.* delivered on board the vessels.

1434. What is the quality of the coal?—It very much resembles the Newcastle coal, and I consider it quite as good for domestic purposes.

1435. Has it been much used for steam machinery?—It has not been so much used for this purpose, as there is a superior coal for steam purposes worked at Pictou, to be obtained rather cheaper.

1436. What are the principal markets for Sydney coals?—More than half goes to the United States, the remainder to Newfoundland and Nova Scotia.

1437. Does the annual demand exceed the means of supplying?—Last year we were scarcely able to supply the demand, but we shall have more than will be wanting this year.

1438. Is there any want of labour at the island?—There are a sufficient number of labourers, but we feel a want of colliers.

1439. Are you acquainted with the character of the coal produced in the United States?—The only mines available, and worked to any great extent in the United States, are the mines of Pennsylvania, which are anthracite coal, and in my opinion never can come into competition with the Nova Scotia coal for steam purposes.

1440. What is the duty in the United States on coal imported from British America?—It is an *ad valorem* duty. It is now about 8*s.* currency per American chaldron of 22 hundred weight.

1441. Are the harbours at Sydney and Bridgeport safe, and adapted for shipping of large dimensions?—Sydney is without exception the first harbour in the province, and is capable of admitting vessels of any burthen and to any number. Bridgeport is a bad harbour, of only 11 feet of water; it is quite safe for vessels that can enter it.

1442. What is the extent of manual labour now employed in connexion with the mines in Cape Breton, and what extent of machinery?—There are about 500 men constantly employed, and during the shipping season about 100 men more. There are also one engine of 80-horse power, one of 30-horse power, and three of 20-horse power each, and about 90 homes.

1443. Has Cape Breton much capability as an agricultural country?—There is a great deal of very good land, but it is generally occupied by settlers with little spirit of industry or improvement. The climate of Cape Breton is not so favourable to agriculture as Prince Edward Island and some part of Nova Scotia.

1444. Is there much good land remaining unoccupied?—Most of the land having a frontage on water is occupied. There is a large lake in the middle of the island communicating with the sea, which is navigable for ships, and affords access to almost every part of the island. I do not think that above a fourth of the land capable of cultivation remains unoccupied in the interior for want of roads to it.

1445. What do you consider to be the population of Cape Breton?—About 35,000 souls.

1446. Has there been much emigration to the island of late years?—Not a great deal lately.

1447. Does Cape Breton grow sufficient produce for its consumption?—No; they import a great deal of flour annually, and also Indian corn and other produce.

1448. Is there any difficulty in procuring labour at Pictou?—There are plenty of common labourers, but we are obliged to bring out colliers from Scotland at a great expense.

1449. What are the wages given to common labourers?—From 3*s.* to 4*s.* per day, finding themselves; the colliers earn from 7*s.* to 10*s.* per day.

1450. Has Cape Breton any other natural resources than the mines you have mentioned?—There is abundance of limestone in various parts of the island applicable to agricultural purposes; there is also building stone (freestone), and gypsum exists to great abundance in the island in places favourable for shipping: all these might be turned to account.

## Evidence.

A. Brown, Esq.

1451. Are there fisheries in the island to any extent?—There are very fine fisheries; the principal are at St. Peter's Bay, Gabres, Pictou Neuva, Ingauche, Cape North and Margaria. The fisheries are not by any means carried to the extent they might be.

1452. You are also connected with the coal mines at Pictou; will you be kind enough to state how they are worked, and on what plan, and to what extent?—They are worked by the General Mining Association, under the same lease, on the same terms, as the Cape Breton mines. The company got possession of them in 1857, before which time the product did not exceed 1,500 Newcastle chaldrons. There has been a regular increase of produce since that time, and during the last year 48,000 tons were exported, principally to the United States.

1453. What is the quality of the coal?—It is bituminous, well adapted for steam purposes, and for manufactories of all kinds; it is also an excellent coal for producing gas.

1454. From the demand of this coal of late, is there a probability of any great increase?—Decidedly we cannot keep pace with the demand; but we are now greatly extending the works, so as next year to be able to double the present produce.

1455. Is the increased demand principally for steam navigation?—Yes, it is; the coal is becoming more generally known for its good qualities in this particular; and I have a report from the captain and engineer of the Sirius, which used Pictou coal on her last voyage from New York to England, and they consider it preferable to Liverpool coal, but no equal to Swansea coal, which is considered the best of all English coal for steam-boats.

1456. Do you employ steam-engines at the mines at Pictou?—We have one engine of 70-horse power, and of 30-horse, one of 20-horse, one of 14-horse, and two of 8-horse power each employed at the mines, also about 100 horses and 350 men in regular employ, and at present 500 men. There is an iron-foundry, where we manufacture steam-engines; we have also two steam-boats employed in duties connected with the mines.

1457. What is the price of coal at this place?—Thirteen shillings and sixpence currency per ton, delivered on board.

1458. Is there a large field of coal at this place?—There is a very extensive field of coal, and no probability of its being exhausted for centuries.

1459. Is the harbour at this place favourable for shipping?—It is considered a safe and good harbour for vessels of all sizes.

1460. Are there any other articles of export from Pictou besides coal?—There are grindstone and freestone quarries, of very good quality, and worked, but not to a great extent; there are also a few cargoes of timber exported annually from Pictou, and occasionally some agricultural produce.

1461. Is the land generally settled about Pictou?—It is pretty generally settled for 80 miles round Pictou.

1462. Have you visited other parts of the province?—Yes; I am pretty well acquainted with, and have visited, the northern and eastern portions of the province.

1463. Have you observed on the mineral productions in those parts of the country?—There is an extensive coal field in Cumberland county; there are also very fine grindstone quarries in this county, which supply the United States; beds of gypsum, also, of good quality, and very fine quarries of freestone. There are salt springs, but they are in the interior of the country.

1464. Are all the other productions you mentioned accessible to shipping?—A few beds of inferior coal are situated on the water; but the best seam of coal is about 12 miles from a shipping place. The gypsum, the grindstone and freestone quarries are all near to places of shipment.

1465. Have other minerals been discovered besides the above in the province?—Casual deposits, of small extent, of very rich ore of copper have been found at Tatnagouche, Touey's river, Caraboo river, and on the west river of Pictou; but we have never been able to trace them to a regular code. The company are now continuing their researches more particularly for copper and lead, on the Shubenacadie river, with very good hopes of success. There is a large iron vein near Pictou, but it has not been found of a quality to encourage working.

1466. Have you examined the part of the county of Cumberland between the Bay of Fundy and Bay Verte?—Yes, I have.

1467. Have you made any examination as to the possibility of cutting a canal?—I consider the ground is very favourable for such a measure, and that the project is practicable.

1468. What is the nature of the ground?—Generally red earth and clay, and it would be quite impervious to water.

1469. Does the country rise to any height?—No, it does not. It is nearly a level country.

1470. Do you know the rise of the tide at the extremity?—The rise in the Bay of Fundy is 68 feet; at the Bay Verte it is seven to eight feet.

1471. What is the nature of the soil of the country through which a canal would pass?—It is a rich, red soil, highly productive, and the country in the vicinity is generally well settled by people who are doing well as farmers.

1472. Are you acquainted with the depth of water on the coast on either sides?—On the Bay of Fundy side there is plenty of water, on the Bay Verte side the coast is shoal, and the mouth of the canal would require protection by a breakwater.

1473. What would be the length of the canal?—About 15 miles; but by taking advantage of the An Lac river, the distance would be shortened four or five miles.

1474. In observing on the province generally, do you consider there is as much improvement of late years as might be expected in a new country with the resources that are available?—Decidedly, there is not.

1475. To what do you attribute the want of improvement?—The present settlers occupy too much land; they have more than they can improve; the country wants opening out by roads through lands capable of cultivation; a great drawback also arises from large tracts of land lying in an unimproved state belonging to persons not settled on them.

1476. What remedy do you think could be applied to remove the evil above mentioned?—By adopting some plan for the bringing the good land now in a wild state into improvement.

1477. Do you consider a penal tax on unimproved land, with a remission of the fine in proportion to improvement, would have that effect, provided the amount of such tax was judiciously applied to making roads, and to other improvements in the country?—I think that would be the best remedy.

1478. What in your opinion ought to be the amount of such a tax?—Five shillings per hundred acres.

1479. To your knowledge is there a deficiency in the surveys in the province?—There is a want of a good map of the country, and at a future day, I am afraid there will be much litigation on account of the inaccuracy of old surveys; in purchasing land, I have made surveys and have found great errors in the original surveys that have been made.

1480. Have you any remarks to make as to management of road-money and the system of road-making?—The present system is very defective; about 10,000 *l.* are voted annually for the roads, which is generally expended in small sums by persons wholly unacquainted with road-making. I understand there are this year 800 commissioners appointed to spend 8,000 *l.*; we shall never have good roads in the province under such a system. I would recommend a large sum, sufficient to make all the main lines in the province to be borrowed, and the interest to be paid out of the annual grant that is now made; we should then have in two or three years good roads throughout the province, and wilderness lands opened out and brought into cultivation. I think it would advance the province at least half a century, taking its present rate of progress. The determination of the lines and control of the expenditure should be managed by three or four commissioners.

1481. What is your opinion as to the system of working roads by statute labour, as now acted upon?—I think the whole of the labour is thrown away; this kind of work is abused, and thought lightly of; there ought to be a tax in money in lieu of labour.

*James McKensie, Draftsman in Surveyor-general's Office.*

1482. HAVE you resided long in the province?—Twenty-five years.

1483. During that time have you visited different parts of it?—I have visited most parts.

1484. What have been your principal occupations?—Until within seven years I followed the farming business, and since that time the surveying business, both in the field and in the surveyor-general's office.

1485. Have you attended to settlers, on their first arrival in the province, in obtaining grants of land, and getting them into possession of the same?—I have done so, particularly in Cape Breton.

1486. Will you state the mode of proceeding in the above cases in Cape Breton, and also in Nova Scotia, as far as the latter has come under your attention?—The lots, after being surveyed, were set up at public sale, and sold to the best bidder, and in some cases individuals were allowed to obtain them upon paying the upset price; in Nova Scotia most of the lots sold have been in detached situations, and particularly applied for by the parties who purchased them.

1487. You are acting in this province as an authorized surveyor?—Yes.

1488. Have you in many instances found it impossible to make correct surveys in consequence of inaccuracy as to former lots of land, which of necessity you measure from?—I have; and also from surveys being inaccurately made by persons not qualified: in the latter cases, I have ascertained the inaccuracies that could not be altered, in consequence of improvements made on them; in many cases, also, the boundaries of lands granted have never been surveyed or laid out at all.

1489. Is the present state of surveys inadequate and injurious to the settlement of the land?—Yes.

1490. Are there a sufficient number of qualified surveyors in the country to answer all purposes that might be required of them?—There are well-qualified surveyors to act, if sufficient encouragement was held out; but at present any person is allowed to survey, except in Crown lands, and this prevents qualified persons entering into the business.

1491. Have you given attention to roads in the country?—I have taken surveys of roads, and have acted as overseer in constructing roads.

1492. What is the application of the system of road-making by statute labour?—The cross roads are generally made by statute labour, and the people have their interest so much at stake, that they enter heartily into it; but in the neighbourhood of farms, some people pay persons to work for them; there is much abuse in the system, by inadequate or inferior persons being employed; there is also great mischief from the non-employment of adequate persons to manage the labour on the roads; in my opinion money is frequently quite thrown away from the above causes.

1493. Is there any defect in the mode in which grants are made for the construction or improvement

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James McKee.

improvement of roads?—Yes, great defect; the money is given in such small quantities, that roads are not completely made throughout; if money was given to complete roads at once, those roads would be brought into immediate use, and would confer benefit on the country; but, at present, probably one-tenth of a road is made each year till the whole is complete; the communication throughout cannot be taken advantage of; the waste of money and the injury caused by this system must be too evident.

1494. Taking a distance of road, what would be the average expense of constructing it per mile through wilderness lands?—One hundred and fifty pounds.

1495. What would be the average rate of making roads through clear land?—Eighty pounds.

1496. What is the average quantity of cleared land generally made use of by settlers?—Between 50 and 70 acres cleared is considered a good farm.

1497. Is that quantity all under plough?—Only part of it, occasionally; this quantity includes pasture.

1498. In what number of years would a farmer be expected to have this quantity of cleared lands?—In about 20 years this quantity would be brought from a wilderness state.

1499. How much wood land would serve a family for the year's consumption?—Including fences, about one acre and a half, if cut in one contiguous piece.

1500. What capital, in your opinion, is necessary for a settler, to give him every chance of success?—About 50*l.*, exclusive of the land.

1501. Provided a man commenced on the above terms, how long, in your opinion, would it be before he could pay instalments towards liquidating his debt?—In three years I should say, he could pay 10*l.*, and he could continue to pay the same each year following (this to include taxes).

1502. Are there any large blocks of good land in the province that still remain unsettled?—Yes, several.

1503. Do these tracts belong to the Crown?—Very few; they belonging in almost all cases to private individuals.

1504. How are roads made through such tract of country?—Chiefly by statute labour by the persons residing in the neighbourhood of these places.

1505. Does the non-settlement of such tracts materially check improvement in the country?—Yes, I knew of one tract of land between Marygomish, in the county of Pictou, and Antigonish, in the county of Sydney, where a road of eight miles passes through with only two or three settlers on the road. The same objection does not so fully apply to Crown lands, as in these cases, where roads are made, property can be obtained on application being made for it.

1506. Do the parties possessing those large blocks of land contribute in any way towards roads, or other public works?—Most of those large tracts are old grants, and generally remain in the wild state, and until settlement is made they do not contribute to public improvement.

1507. Have you observed any large tracts of country possessing capabilities for improvement and settlement, and for which no steps are taken to accomplish such objects?—The present year I have surveyed part of the township of Clare; I found one grant, containing 35,510 acres granted in 1817, to French Acadians residing in that township, containing as good land for cultivation as any in that part of the province, and on this grant only about five acres are cleared. In the adjoining grant, containing 21,300 acres, with but few settlers upon it, probably nine, there is also good land, and it was granted in 1793.

1508. Are these grants made on condition of settlement?—Yes.

1509. Those conditions have not been fulfilled?—No.

1510. To what do you attribute the want of improvement in this country?—The proprietors of those grants are following other occupations than agriculture, or are wealthy people; they look to a rise of price in the value of lands.

1511. Is any large portion of any of those lands the property of the Crown?—None of those tracts I mention.

1512. Are there any large tracts of good land in the province, the property of the Crown?—There are no large tracts, but there are detached pieces of good land in many parts of the province.

1513. What do you consider to be a large tract?—I consider a large tract 10,000 acres; I consider it would be difficult to get above 5,000 acres of good land, the property of the Crown, in one tract.

1514. You have stated, the want of roads is the bar to improvement, and the chief obstacle to having roads to the quantity of unoccupied lands; what do you consider would be a remedy for this evil?—To escheat lands liable to escheat for non-fulfilment of conditions of improvement, and to require parties holding wild lands to pay a tax towards general improvement.

1515. Provided such tax was employed in the improvement of the country and to settling it, what, in your opinion, ought to be its amount?—Generally a farm occupying 200 acres pays equal to 18*s.* towards roads. I should say, the tax on wild lands should be in the same proportion, with exceptions where improvements are begun.

1516. Do you consider there is room for much improvement and increase of settlement?—There is much room for improvement; first, by a subdivision of lands now held by occupants, and also by occupation of wild lands which are not yet in cultivation.

1517. You have been some years a resident in Cape Breton, can you give any information as to the capabilities existing in that island for improvement?—There are extensive

extensive tracts of good Crown land about the head of River Inhabitants, between the Mahon rivers and the road leading from Indique to River Denis, about Margaree or Lake Ainalie, and near Cape North, and a few detached pieces in other parts of Cape Breton. There are a great number of large pine trees on most of the tracts which I mentioned.

1518. What class of inhabitants reside at Cape Breton?—Chiefly French, and fishermen from the western islands of Scotland.

1519. On what terms do they principally hold their lands?—This information can only be obtained at the office of the secretary of the province.

*John Fairbanks, Esq.*

1520. ARE you a native of Nova Scotia?—Yes.

1521. You have had cause to give attention to the fisheries; will you be kind enough to state what in your opinion would best forward the interests of the province in respect to this measure?—Compelling the Americans to observe strictly the limits to which they are confined by treaty.

1522. Will you state the outlines of this treaty, and where it is abused?—The report of the Committee of the House of Assembly of Nova Scotia, 1837, will give all the detail connected with this question; it will be seen that the Americans come on our coast, and in the out harbour, quarrel with our fishermen and prevent the increase in our fishing that ought to take place.

1523. What portion of the inhabitants of the province do you suppose are engaged in the fisheries?—Probably one-half; our fisheries extend round the whole coasts of Nova Scotia.

1524. Do you consider the fisheries capable of any great extension?—We find it extends annually by our dealings. Our supplies to fishermen five or six years ago did not exceed 5,000 £ a year, now it extends to three times the amount. I conceive this business is capable of being increased to an unlimited extent.

1525. To what do you attribute the circumstance mentioned in this report of Americans being successful competitors in fisheries carried on on our own coast?—To the great demand and consumption in the United States, and the high prices.

1526. Do not the Americans also supply foreign ports, to the injury of our fishermen?—They do.

1527. How do you account for this?—There is more capital required in this province to be invested in the fisheries. The American government, holding out better encouragement, induces some of our best men to join their service.

1528. Is there any want of population on our coast to meet the demand for fisheries?—I should say decidedly throughout the whole coast.

1529. Have you observed the system of agriculture carried on along the coast?—Yes, it is limited on the fishing stations; the men are engaged in fishing, and the women are obliged to attend to agricultural pursuits.

1530. Do agricultural pursuits as well as fishing employ and offer sufficient encouragement to separate the above occupations, and would such a measure be beneficial and further the fisheries of the province?—There is room for both, and the mode now pursued injures the fishing; there might be a vast quantity of sheep kept on the eastern shore of the province as well as the coarser kind of grain raised, also hay and potatoes.

1531. The general character of the coast of Nova Scotia is rocky, and thought to be discouraging for agriculture, have you had any experience in this pursuit on such kind of land?—Yes, and from the knowledge of the coast and from the number of good harbours it contains, and from the quality of the land in the neighbourhood I am satisfied an extensive agricultural population might be supported.

1532. From your experience and knowledge of the province, do you consider it progressing in improvement as fast as its natural capabilities admit of?—Not by any means.

1533. As to its agriculture, to what do you attribute its want of improvement?—Want of capital and of labour, and of good roads particularly; also want of agricultural skill and implements. Its prosperity is much checked by large portions of the land being in the hands of absent proprietors or persons who do not cultivate them and bring them into the market.

1534. What remedy do you consider might be applied to this evil?—One remedy, in my opinion, was embodied in a bill brought into the House of Assembly last year by Samuel Fairbanks, Esq., member for Queen's county, to grant land on condition of improvement. I also think a tax on wild land, or escheat of wild land if not improved, is absolutely called for.

1535. Provided such a tax was existing, and that all the money so raised was applied to improvements in the province, what in your opinion ought to be its amount?—Ten shillings per hundred acres, on land in a wilderness state, I think would not be too much.

*Laurence Hartshorne, Esq.*

1536. ARE you a native of the province?—Yes.

1537. From your knowledge of the resources of the province, is it your opinion there is very great room for advantageous investment of capital, and for increase of population?—The natural advantages of the country are very good, and not at all developed; there is room for great improvement and increase in the fisheries, in agriculture, in mining, and in mills and coarser manufactures.

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1538. What

*Evidence.*

*James M'Kenzie.*

*J. Fairbanks, Esq.*

*L. Hartshorne, Esq.*



Evidence.

L. Horsburn, Esq.

1538. What is principally wanted to advance improvement in these objects?—The introduction of an industrious class of emigrants and of scientific farmers, and improvement in the internal communication in the country, particularly a better distribution of public money expended on the roads.

1539. Are there now any works in progress likely to open the resources you speak of?—There is no work of more consequence, in my opinion, than the Shubenacadie Canal, the details of which is stated in Paper, No. . It would connect Halifax harbour with the Bay of Fundy, by an inland navigation of nearly 40 miles, and would communicate with all the extensive coast of the Bay of Fundy, giving a perfect security to trade between the colonies in case of war. It would also open an extensive source of trade with the country between Halifax and the head of the Basin of Meires. In the event of the proposed canal being cut between the Bay of Fundy and the Gulf of St. Lawrence, great facilities would be given to the trade between Halifax and the St. Lawrence, and the facilities that would be thus afforded for safe trade in case of war would be most beneficial. The importance of this measure is more fully detailed in memorials to Her Majesty's Government from the Council and House of Assembly for this province, forwarded early in the present year.

1540. Has any money been already expended in this work?—Yes, between 80,000*l.* and 100,000*l.*

1541. Is the work now advancing?—It is not progressing for want of means, and it is expected that assistance will be granted by Her Majesty's Government. An agent from the parties engaged in this undertaking is at present in England, in communication with the Government.

1542. Is much of the work completed?—Yes; the heavy part, including locks and cuttings, is far advanced, and some of these are complete.

1543. Is it your opinion, that a tax on wild lands, judiciously applied to improvement, would be desirable, and one that would tend to advance the interest of the province?—If such a tax was employed to open internal communication through lands available to agriculture, and to advance emigration of a proper description of persons, it would no doubt have a most beneficial effect. This tax ought to be on lands not in progress of improvement.

1544. What, in your opinion, would be a fair rate per 100 acres if such a tax was determined upon?—About 2*s.* per 100 acres would induce parties to improve and dispose of their land.

The Honourable Samuel Cunard.

Hon. S. Cunard.

1545. FROM your extensive knowledge of the country, is there any measure more than another you think ought to be attended to, to advance the interest of the province?—I think making good roads, and by this means opening the resources of the country, would have the most beneficial effect. The resources of the province at present are not sufficient to accomplish this object. To obviate it, a sum of money might be borrowed under an Act of the Legislature, pledging the revenue of the province.

1546. It has been remarked that great injury has been sustained by large quantities of lands remaining in a wilderness state; what, in your opinion, would be the best means of remedying this evil?—I think good roads would remedy the difficulty in a great degree. I also think that owners of large tracts of land ought to be compelled to give some attention, by a tax on land, or otherwise.

1547. You are a large proprietor, and have given attention to this question, and if a tax on wilderness land were determined upon, and if the proceeds of such tax were judiciously appropriated to improvements in the country, and to advancing emigration, what in your opinion ought to be the amount of such tax?—I do not feel myself competent to say what the tax should be, but I should think large properties should be compelled to contribute towards the general improvement of the country. My opinion is, decidedly, that all monies raised in this way ought to go altogether to the improvement of the country.

1548. In your opinion, is there considerable room in the province for increasing its population in agricultural pursuits, and otherwise extensive resources for good and safe investment for capital?—I think capital may be very well invested in the purchase and improvement of lands, and there is plenty of room for industrious settlers, who are sure to do well as tenants, labourers or cultivators of wild land, which they can obtain on more favourable terms, not requiring to pay instalment until quite able to do so.

1549. You are extensively concerned in the mining operation in this province; is there not every probability of progressive increase and demand for labour in reference to such undertakings?—There is; they now employ a good number of labourers, and furnish a vast consumption of agricultural produce and capital.

1550. And there is room for the further extension of such operations?—We are daily increasing our operations, and have the most favourable expectations of future success.

William Mackay, Land-surveyor.

W. Mackay.

1551. HAVE you surveyed the country between the Bay of Fundy and the Gulf of St. Lawrence?—Yes.

1552. Was the result of your examination favourable to the object?—Yes, the country has no high hills; it is swampy all the way through; I think two or three locks besides the tide-locks would be sufficient.

Evidence.

W. Massey.

1553. Is the soil of a nature to contain water?—The top of the surface is sand for two feet; there is clay underneath which is very favourable to the object.

1554. What would be the distance of the canal that would require to be made?—About 15 miles would require to be made. The Tidiash river on the Bay Verte side would be available for three miles.

1555. Have you examined the coast on both sides with reference to the approach and entrance to the proposed canal?—I have.

1556. How is it on the Bay of Fandy side?—There is plenty of water for vessels of any size.

1557. How is it on the Bay Verte side?—The Bay Verte is nearly dry for about two miles at low water, except the channel, which is about four feet water at the mouth of the river, and at the bar; between the bar and the mouth of the river it has various depths.

1558. What is the fall of the tide at this part?—About seven feet and a half.

1559. What is the least depth of water on the bar and in the channel?—About four feet.

1560. What is the greatest at low water depth in entering the river?—About 10 feet.

1561. Is there a good shelter for vessels at this depth?—Yes, very good shelter.

1562. Is the water in the bay shallow for any considerable distance?—It is shallow for about two miles.

1563. What sized vessels do you consider would be able to enter and pass through a canal made at the place proposed?—I think vessels between 250 and 300 tons would be able to pass without difficulty.

1564. You do not consider there is any decided obstacle to such a canal being formed?—I do not think there is any obstacle.

1565. Have you made an estimate of the cost of such an undertaking?—No, I have not. Eight miles of the cutting would be marsh ground adapted for the purpose.

1566. What would be the benefit to the country by this work?—The principal object is connecting the trade of New Brunswick and the St. Lawrence, and Halifax and the St. Lawrence, and also Prince Edward Island with Halifax and New Brunswick. No doubt the trade would be very great and all these countries must benefit by the work. There is also a fine country about the canal; about 70,000 acres of marsh land adjoin it.

1567. Is this land under cultivation?—All, more or less.

The Honourable Thomas Baillie.

Hon. T. Baillie.

1568. YOU are surveyor-general and commissioner of Crown lands in this province; how long have you held these offices?—I was appointed surveyor-general and commissioner of Crown lands in February 1824, and retained both offices till the latter end of 1825, when Mr. Hurd was appointed surveyor-general, which he retained till 1829, when he was sent to Upper Canada as surveyor-general. The office of surveyor-general then devolved upon me, by which a considerable saving was effected; I have retained both offices from that period until the present time; the two offices are so blended, it is impossible to separate them.

1569. Then you have filled the office of the Crown land department since it was instituted?—Yes.

1570. Will you state the extent of New Brunswick, and how it is divided, as respects land alienated by and remaining in possession of the Crown?—The province contains about 16,500,000 acres, of which I consider about 580,000 to be barren; about 3,000,000 acres were granted previous to the sale system in 1827, and about 1,400,000 acres have been sold since 1827; there are at present in round numbers about 11,000,000 acres of land available to Government, but from the nature of the soil, where the dense pine forests exist, not much more than half of it can be said to be fit for agricultural purposes at the present moment, but the remainder would doubtless be available at a more remote period, when land shall be more scarce.

1571. You have stated there have been at different periods about 4,400,000 acres granted; what portion of that do you suppose is held by occupants?—Almost half.

1572. How many acres do you suppose are actually under cultivation?—About 350,000 acres, but the clearings being generally on the margins of streams and on the bye-roads that have never been surveyed, renders it difficult to form a correct estimate.

1573. Does this remark refer to land that has been under crop?—Principally under crop.

1574. Besides this land, do farmers think it necessary to have pasture land?—Yes, they generally wish to have as much pasture land as tillageable land; much of the pasture land cannot be said to be cleared, because the stumps still remain on it.

1575. Can you form an estimate of the number of agricultural settlers or proprietors residing on farms?—From 12,000 to 16,000.

1576. You have stated that you supposed 2,150,000 acres of land are now in occupancy, this would be averaging 150 acres to each farm; in your opinion is this a proper quantity of land for farmers to have?—Ample for a poor man.

1577. Is it too much for a poor man looking up to his family, and also a reserve for fuel?—I do not think it is too extensive.

1578. At the same rate there still remains, in the hands of the Crown, land in this province suitable for agriculture for 72,000 agricultural establishments?—I should say 40,000 immediately, and the remainder for future occupation.

1579. Is this province divided into districts?—It was divided into districts by myself, when I received instructions to proceed with lands in 1827.

1580. How is it described in legislative enactments?—In counties.

3.—III.

1581. How

## Evidence.

Hon. T. D. Smith.  
Sullivan T. 11

1581. How many counties are there?—The province is divided into 12 counties, the division lines of which, however, with two or three exceptions, have never been surveyed or carried out.

1582. When did the Crown land office come into operation, as to the disposal of land by sale?—In 1827.

1583. What has been the method pursued at different times prior to that period to dispose of and to bring into course of settlement the wild lands of the province the property of the Crown?—From the erection of the province in 1784 to 1827 the land was disposed of by the Lieutenant-governor and Council, upon a quit rent of 2s. per 100 acres, together with the grant-fees under the royal instructions, no charge of any consequence having been made during that period.

1584. What grants were made prior to 1784?—Several large grants were made when the province formed part of Nova Scotia, most of which were escheated and subsequently regranted.

1585. Are there any large grants of land still existing in the province?—None of an extent to be prejudicial to the country.

1586. What is the largest grant now existing in one name?—5,000 acres were granted to the Hon. J. Saunders, in 1819.

1587. Is this tract in the course of improvement?—Very partially; and the settlers in the vicinity complain bitterly of having to pass through a long wilderness, through which they have to break the snow roads in winter time.

1588. Are there any other grants of a similar character in the country?—No; but the settlers consider it grievous, if even a lot to the extent of 500 acres remain in a wilderness state on the road to the settlement, the proprietor of which performs no road-work, and the labour of the settler is therefore enhancing the value of the absentee's lands.

1589. How many lots of land of this description do you consider there are in this country?—Between 200 and 300; there are few of the back settlers but what have it in their power to complain of the same evil, and I think the proprietor of lands through which a road passes ought to be obliged to perform a share of the road-work.

1590. Are these grants generally held on condition of settlement?—Most of them; but as the proprietor may have extensive improvements on other tracts, he may with some truth declare he has done his share towards the improvement of the country.

1591. This remark, I presume, applies to proprietors resident in the country, and who have made improvement?—Certainly.

1592. Do you consider there are absent proprietors who hold land only with reference to future advantages from increase of price?—There are some, but the number is inconsiderable.

1593. Has there been any land escheated at different periods, and to what extent?—Several tracts have been escheated to the extent of several thousand acres; many of those cases, as I stated before, are Nova Scotia grants.

1594. Have there been any recent escheats?—A few.

1595. How much land do you suppose there is now in this province liable to escheat?—Probably about 500,000 acres; I was preparing a list of lands liable to escheat, but the Lieutenant-governor was apprehensive that it might create strong excitement, and I therefore desisted.

1596. Was that in reference to the present inquiry?—No, it was previous to the present inquiry; I ought to observe, there were several escheats of land made for non-payment of quit rents when directed to be collected in 1833; these lands have since been restored, by act of the Legislature.

1597. What steps have been taken since 1827 to carry into effect the disposal of Crown lands by sale?—Lord Bathurst's letter of the 1st March 1827 was the cause of the sale of lands in this province, and I immediately proceeded to carry into effect the instructions I received. I stated to the Lieutenant-governor that I was prepared to go on with the sales, and I also gave notice in the Royal Gazette.

1598. What were the terms and conditions of sale contained in your instructions?—Either on payment of purchases or a quit rent; the lands were generally sold by auction.

1599. Was there an upset price?—The usual upset price was 2s. 6d. an acre, including the grant fees.

1600. Has there been much variation in price of wild lands sold under these regulations?—Not much under that regulation, but a very great variation under the regulation of 1832.

1601. What have been the prices and quantities sold under the above regulations?—They are contained in the returns.

1602. Have the lands so disposed of been to bond side settlers, and in what sized blocks generally?—Generally to settlers, in blocks of 200 acres each, but many of the settlers never paid the purchase-money or quit rents.

1603. Have they forfeited their rights to the lands?—Certainly; though I believe many of them are still living on lands they bid off at those sales in 1827 and 1828.

1604. Do you consider this system failed in producing the benefits expected from it?—There was a violent opposition to it, in consequence of reference to the quit rents being made on the old grants in those instructions, which induced the opposition of the most wealthy

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Hon. T. Balfour.

wealthy and influential persons to the whole system; and a notice issued from the secretary's office the 8th March 1838, allowing persons who had obtained minutes of council for certain lands which were forfeited agreeably to the royal instructions, to pay the grant-fee on the same, previous to the 1st January 1839, by which means 300,000 acres were thrown into the market, through the persons who had obtained the minutes of council, and who having nothing to pay for the lands except the grant-fee, could undersell the Crown; this, of course, crippled my exertions, and the Lieutenant-governor, on the 1st January 1839, suspended all further sales until further orders.

1608. The above applies only to land sold; what was done in reference to land held on quit-rent?—Persons were permitted to take land on a quit rent if they preferred doing so; it was fixed at 5 per cent. on the amount of the purchase-money, or to be bought at any time at 30 years' purchase.

1607. Was there much land taken on these terms?—A good deal; several thousand acres.

1608. Were the terms conformed to?—Scarcely in a single instance.

1609. Do the parties still occupy these lands?—I am of opinion that many of them still occupy these lands.

1610. Have any steps been taken to enforce the payment of the quit rent?—None, as the lands are considered forfeited.

1611. To what do you attribute the non-compliance of the parties to the last arrangement?—To communications made by anonymous publications in the public prints, as well as to reports industriously circulated, that the sale system would be entirely abandoned; and an address was presented by the legislature to the Lieutenant-governor to be forwarded to the King in 1839, praying that the old system might be re-established, and asserting that any attempt to collect a revenue in the province from the sale of lands would be in vain.

1612. What were the steps next taken to induce settlers on the Crown lands?—Heads of instructions were transmitted to me in 1839, when I again resumed the sale of Crown lands.

1613. What was the nature of the first instructions?—Modifying, in some degree, the former instructions; the sale of Crown lands now continued rapidly to increase until January 1837, so that in the eight years, from the 1st January 1830 to the end of December 1837, no less a sum than 134,901. had been received, and 107,765l. 19s. 7d. remained due upon the sale of 1,339,000 acres.

1614. What amount of the 107,765l. 19s. 7d. has since been paid up?—Only 44,000l. is now due, of which amount about 9,000l. remains due on the instalments of tracts under 500 acres each, the remaining 35,000l. being instalments due on large tracts which were purchased, principally for speculation, during the excitement which pervaded the American land market in 1835.

1615. Did many of the parties who purchased under this system become actual settlers?—Certainly, most of them have.

1616. To what do you principally attribute the improvement that took place in this system?—To the favourable operation of the royal instructions of 1832, by which an emigrant could proceed to Fredericton, within 10 days or a fortnight after his arrival in the country, and ascertain what was open for sale, proceed to view his selection, and return and pay the purchase-money, and obtain his location-ticket for the lot selected.

1617. What were the usual terms of payment required in this instance?—The land varied in value, according to situation; to pay one-fourth down, and one-fourth each year till paid.

1618. Exclusive of purchase-money, what was the whole charge of survey or other expense of location?—All charges were included in the purchase-money.

1619. How was the value of the lot applied for ascertained?—Principally by intimate acquaintance with the lands of the country, as well as by reference to the survey.

1620. Were timber lands sometimes included in the purchase?—If there were, an extra price was invariably put on the land.

1621. What was the cause of departing from this system of disposing of lands?—The surrender of the usual revenue to the legislature, and the two acts passed in consequence.

1622. How are wild lands at present disposed of?—By the Lieutenant-governor in Council, under provision of the two acts referred to.

1623. Can you give the outline of this system?—Persons applying for lands have to present a petition at my office, praying to be allowed to purchase the tract that is described in their petition; I put a certificate as to the vacancy of the land, as also whether it contain any mill site, meadow, interval, or pine timber; at the end of the month, these petitions are all transmitted to a committee of the executive council, with schedule, containing an abstract of all these petitions, the prayer of which petition is recommended or not, according to the views of the committee, and laid before full council the following day for approval; the petition and schedule are returned to my office, with the answers, and advertisements are prepared, stating all these particulars, which are published in the Royal Gazette.

1624. How is the price of land now defined?—Generally put up at 2s. 6d. per acre, and the money paid down; the minimum price is 2s. 6d.; the land has a value attached to it by the executive council.

1625. When did this last system come into operation?—August 30, 1837.

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1626. How many acres have been disposed of up to the present time?—Thirty hundred and three original petitions have been presented, of which 534 have passed, and of which 115 petitioners have complied with the orders of council, producing 1,097 1/2, 150, 11 1/2, up to 5th September 1838.

1627. What class of petitioners have been unable to comply with the order of council?—Actual settlers of a poor description, and squatters.

1628. To what do you attribute the falling off of actual settlers since the adoption of the present system?—To the delay of obtaining answers to their petitions; the necessity of repairing several times to Fredericton, to explain the business; the uncertainty of even receiving an answer to the petition, by reason of the remoteness of the residence of the applicants and the limited circulation of the Royal Gazette, and the demand more generally made by the council for the whole amount to be paid down within 14 days, in the event of the land being sold by auction, and within 60 days if by private sale.

1629. Is there any additional expense, by survey or otherwise, incurred by this new regulation?—Yes, many of the parties applying for lands which have never been surveyed; and the expense of surveying an isolated lot frequently makes the land equal to 4s. or 5s. an acre, besides tending to create interminable confusion in making surveys.

1630. What time would be required, under the present regulations, by a settler, to get possession of land, from his arrival at any port in the country?—After his arrival in Fredericton, having previously selected his land, he would have to present his petition at my office, which must be in before the 24th of the month, and he could get an answer to that petition the 6th or 7th of the following month.

1631. In respect to Crown lands and forests, has there been any difference in the mode of disposing of and settling them, from what has been described?—Nothing in regard to agricultural settlers; but large tracts have been disposed of to different parties, for the purpose of enabling them to erect extensive saw-mills, and manufacture into lumber the several varieties of timber fit for the different markets.

1632. Are there any large tracts disposed of in this way?—The principal tract disposed of for that purpose was 50,000 acres, on the River Tobique, at a price of 10s. per acre; a company has since been chartered by the legislature, which is now in the act of erecting very extensive mills in that river, and they are expected to be in operation this fall; the next tract in extent or importance is 32,000 acres, embracing the heads of the Musquash streams, which fall into the Bay of Fundy about 15 miles to the westward of St. John's; here there are extensive and valuable mills at work; the next is 24,000 acres, belonging to the Nashauk Mill Company; the Nashauk falls into the River St. John at Fredericton, the mills being situate about three miles from the mouth of the river.

1633. Are there any more large tracts of timber land disposed of?—No more large tracts of land have been disposed of for the express purpose of supplying timber; but several large tracts have been disposed of, from which the parties intend to manufacture square timber, and these parties, who have paid up the whole amount, have done work to some extent.

1634. Have these transactions been of recent date?—They principally took place in 1835.

1635. What were the terms of the grants?—No conditions of settlement, but simply the purchase; they are not generally in situations where settlements would grow up.

1636. After the timber is cleared from these lands, what will be their capabilities for agricultural purposes?—They will be well adapted for agriculture; a small sprinkling of pine, growing on land, is no indication of barren land.

1637. What prices do such lands generally realise?—The lands have been sold for 5s. to 10s. per acre, in large tracts, where, of necessity, there would be a great variety of quality.

1638. Have there been many lots of the above land over 2,000 acres disposed of?—Probably about 12 or 14.

1640. What quantity of land of this description remains in possession of and at the disposal of the Crown?—About 5,000,000 acres.

1641. Has there recently been a grant of some extent made to the New Brunswick and Nova Scotia Land Company?—Yes, upwards of 500,000 acres were sold them by the Home Government when I was in England in 1832, and the arrangements completed in 1834.

1642. Can you give an outline of the terms and conditions of this sale?—The terms were 2s. 3d. sterling per acre, to be paid in eight semi annual instalments; a subsequent grant has passed to include the right to all mines and minerals in the company's tract.

1643. Were there any conditions of settlement?—There were no conditions exacted.

1644. What is the position of this tract of land, and has the company made any progress in improving it?—The position is extremely favourable; in the heart of the province, with the River Nashauk flowing through it, as also the south-west branch of the Miramichi intersecting a part of it; the company have expended a large sum of money in cutting a road from the royal road to the town of Stanley, which they have established on the River Nashauk, about 30 miles from its confluence with the River St. John; there are also valuable mills erected, and other improvements.

1645. Is the soil considered favourable for agriculture?—The soil varies in quality on so large a tract of land, but large parts of it are exceedingly good.

1646. Are there mines or minerals worked in the country?—An extensive lease of mines and minerals in the county of Gloucester was made about a year ago, and miners have since



slack shales from England, for the purpose of working the copper in that country, which has been found to be of the first quality; another lease was made some years ago to a company, for the purpose of working the coal mines on the Grand lake, and they are now in the act of digging to ascertain what strata can be discovered; another lease was made of coal, in the parish of St. Martin, in the county of St. John; and another lease was made of mines, in the parishes of Woodstock and Wakefield, in the county of Carleton.

1647. Are these all the mines and minerals at present known to exist in the province?—By no means, coal is to be found in many other districts, of an excellent quality, and other minerals are also known to exist. Other applications have been made for mines and minerals, but I do not think the leases have yet issued.

1648. Are all the above disposed of on the same conditions?—Yes, I believe they are, with only one exception.

1649. Can you state what the conditions are?—Leases for a term of 50 years; the mines are to be worked within a term of five years, and to be forfeited if discontinued working for a period of 12 months; one-twentieth of the produce, after a fixed number of years, varying from two to five, to be the property of Government.

1650. Have any of the mines commenced to make a return?—Not yet, in consequence of the term granted before payment, which was made in consideration of the great outlay that must, in all cases, be required.

1651. Are there any of those mines in operation at present?—Only those at Gloucester, and at the head of the Grand lake.

1652. What do you consider to be the extent of a mine?—The radius of a mile from the centre.

1653. Is there any clause in those leases to prevent other mines being worked in the neighbourhood?—Only such parts can be restricted as are described in the lease, and that only for the period named.

1654. Are favourable expectations entertained of success from the above undertakings?—Very much so in regard to the mines in Gloucester, as I have understood; the original lessee, Mr. Stephens, who proceeded to England, for the purpose of getting an accession of capital, was to receive a bonus of 2,000*l.* a year for 10 years, together with a salary of 500*l.* as superintendent of the works; I have understood that the copper is found particularly applicable to the use of plated goods.

1655. Does the Crown at present receive any revenue from timber?—A very large revenue.

1656. How are the rangers or deputies paid?—They were formerly paid by fees from the lumber-men, varying from 5*l.* to 30*l.*, according to the extent of the berth; but in 1830, I did, under sanction of the then Lieutenant-governor, commute those fees, by exacting 3*d.* per ton on timber, and 6*d.* per foot on logs for lumber; and from that period have had the payment of my deputies in my own hands, requiring them to transmit to me periodically an attested account of their services, which accounts are regularly laid before the Lieutenant-governor and Council.

1657. Is the above revenue entirely proceeds of licenses granted to cut timber?—Yes, exclusively.

1658. When did that system of licenses commence?—About 1830 or 1831, at which time it was introduced by the Lieutenant-governor in Council (who for some time granted licenses on bonds at 1*l.* per ton, which bonds were never enforced). The Lieutenant-governor also addressed the Secretary of State, recommending that some officer should be directed to protect the Crown lands, in consequence of which I was appointed commissioner of Crown lands and forests in 1834.

1659. What was the system pursued previous to that time?—Licenses were granted by the deputies of Sir J. Wentworth, who was surveyor-general of woods, but no revenue was derived for the benefit of the Crown.

1660. In what manner are licenses applied for and obtained? From 1835 to 1835, licenses were granted for a period of one year, or to the 1st of May succeeding the period of application, were granted by petitions to the Lieutenant-governor, which petition was presented at my office, priority of claim of course taking precedence; no objection existing, a license was prepared and signed by me, reserving the same for the Lieutenant-governor's approval and signature; the license was then entered in the secretary's office as a check, and transmitted by me to the several deputies, to allow the ground to the parties.

1661. What was the price of obtaining a license and for making the allotment?—In 1834, the price of white pine was 1*l.* per ton, red pine 1*l.* 4*d.*, to Government, together with fees, varying from 5*l.* to 30*l.*, according to the extent of the license; in 1835, I raised the price of red pine to 1*l.* 6*d.*, as it bore that proportion in the market; a further rise took place in 1836, to 1*l.* 6*d.* for white pine and 2*l.* for red; in 1835, the prices were white pine 2*l.*, red 1*l.* 6*d.*, birch 1*l.* 6*d.*, lumber per square superficial foot 3*s.* 6*d.*, and these prices continue now.

1662. What has been the course pursued since 1835, to which the foregoing statement refers?—In 1835, licenses for five years were issued, with a view to induce the party so husband the timber standing on the ground, as under the one year system the party cared

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only to select the largest and best timber, having of course little regard to what remained, as his interest would then expire.

1664. Does this arrangement still continue?—The licenses are still in effect; but no fresh ones have been passed since the Civil List Bill.

1665. How are licenses obtained at present?—The licenses are now granted annually only; and the prices are as established by me in 1835, and established by law in 1837.

1666. Is the system of one year licenses thought to suit better than licenses for a longer period?—No, I think not; but in some cases where the timber is not so abundant, no great evil arises from them, though it costs more to keep a vigilant supervision of their transactions.

1667. Was it considered that five years' licenses gave a monopoly to parties?—It was complained of, but without cause, as the licensor was obliged (by bond) to pay the Crown for a certain quantity per annum, according to the extent, as also to render annually his attested account of the previous year's transactions.

1668. Are there any other sources of Crown revenues than already mentioned?—None, except the proceeds of sales of timber cut without license, which sometimes pays double duty, and that which is condemned in the court of Vice-Admiralty or any other court of law.

1669. This amount is included in the account you have given in of Crown revenues?—Yes, so far as regards the double duty; but not the other amount, as that did not come into my hands; it is, however, very trifling.

1670. Do these proceeds now pass through your office?—No; the transactions are arranged and entered in my office, but the proceeds are paid to the receiver-general.

1671. Do the practices you have stated above in regard to licenses still exist?—No; in 1837, an act to provide for the civil government of the province, as also an act to restrain the fifth clause of that act, was passed by the legislature, which gives them nearly the unlimited control and net proceeds of the Crown lands, mines, timber, royalties, &c.; for which they undertake to pay the sum of 14,500*l.* currency per annum to Government. All matters, therefore, since the above period, in committee of executive council, the abstract of all timber petitions being prepared by me, in the same way as those for land.

1672. Are you aware if alterations had been made that differ from the regulations respecting licenses to cut timber, existing previous to this act?—Yes; the alterations are very extensive, and in my opinion exceedingly prejudicial.

1673. In what particular do they differ from those previously existing?—Great and unnecessary delay now occurs in petitioners receiving answers to their applications. Previously the answer was given on the instant of presenting the petition, and on payment of tonnage-money the license was issued; thus making but one transaction. At present it is impossible for the party to get an answer made under three weeks or a month.

1674. Is there any other objection existing in your opinion to the present system?—Yes; by the act to restrain the fifth clause of the Civil List Act, parties obtaining license to cut timber are allowed to cut any excess over the quantity stated, provided they make application at the Crown Land-office before the 1st May; and as many of the lumber-men would be disposed to take advantage of the facilities thus given to cut a large quantity of timber, when they have only paid for a small proportion of it, it would doubtless have the effect of greatly reducing the receipt of the Crown revenues on these transactions.

1675. How is this the operation of the system you allude to?—I consider it quite necessary that a vigilant supervision should be constantly kept over the transactions of lumbermen in the woods, by visits from the deputies, in order to oblige them to apply and pay for any excesses which they may find manufactured over and above the license, and this act allows them till the 1st May, before any proceedings can be taken against them; consequently the quantity cut cannot be ascertained, because the streams are opened and the timber in most cases floating down the rivers.

1676. Would this evil be the same, if another month than May was fixed as the termination of the license?—I think not entirely. I would not attend to any application for licenses after the 24th February, because by that time the parties know pretty nearly the quantity they will be able to make before the season breaks up; and then the ranger can, during the month of March, see what has been done, previous to the breaking up of the streams in April, and report accordingly.

1677. Has any plan ever been recommended to obviate the above?—Yes; several have been recommended by me.

1678. Do the fees for obtaining those licenses still continue?—No; all expense is included in the price of the timber.

1679. By what method do you ascertain the quantity of timber that has been cut under licenses and liable to duty?—The officer can estimate pretty well by counting the sticks and measuring the contents of a few of them.

1680. How is the money collected?—The party paying applies to my office for a certificate of the amount due by him; on his several applications he leaves this certificate with the receiver-general, and pays in the sum.

1681. What is the expense of this mode of assessment and collection?—Deputies are paid 20*s.* per day, during the time they are employed in the woods, out of the gross receipts.

1682. Is the lumber at any expense beyond the duty?—None whatever.

1683. From the return of duties given in by you, it shows a rise of 9*d.* per ton from 1830

to 1835, and the same duty now exists; is this a fair duty, suitable to the market at present?—I think, considering the state of the home market, it is a fair price, although private individuals frequently obtain much more.

1684. On an average, what quantity of timber do you consider an acre of land produces?—It is impossible to give an opinion. I have known upwards of 40 tons cut from one acre.

1685. Is there any difficulty or delay in the present system, in settlers and persons applying for licenses obtaining such grants and licenses, on their agreeing to the terms required?—Yes; the inefficiency of the office establishment causes an arrear of upwards of one year's grants, being more than 200 in number, which naturally produces many complaints, and is certainly a just cause of grievance. Licenses must be kept up to prevent confusion, which would otherwise of necessity arise.

1687. With good and proper arrangement, in what time would a settler be in possession of his grant?—His grant ought certainly to issue in six weeks after the money is paid.

1688. You have stated in previous evidence, that the establishment recommended by the committee of council is insufficient to the work; what do you consider would be a proper establishment for the duties required?—I think two additional draftsmen and one copying clerk, together with two compilers already approved by the Lieutenant-governor, indispensable to carry on the duties of the office with satisfaction to the public. This addition would call for an increase of probably 500 *l.* a year.

1689. Is this increase proposed as a temporary measure?—No, as the prosperity of the country advances, so it is natural to suppose that the business will continue to increase as it has done, which is now double what it was when the establishment was granted.

1690. When was the present establishment of the office fixed?—In 1830, when a commutation of my fees took place.

1691. Have any lands been granted in this province for promoting religion and education?—Yes.

1692. Have you any observations to make on the state of surveys as now carried on in the province?—All extensive surveys are for the present suspended; I was carrying on a general survey of the province, when the act of last year took all power out of my hands; no survey of the province has ever been made, and the surveys of the old grants are extremely erroneous and expose errors and collisions which could not have been supposed to exist.

1693. Does it ever occur that different grants are made for the same lot of land?—It frequently has occurred, and might continue until a thorough compilation is made of all surveys, which I am now authorized to commence.

1694. Is there any difficulty in procuring competent persons to act as deputy-surveyors?—I have several very good ones, but they complain of the want of employment in consequence of the regular surveys having ceased.

1695. Are there any surveys made except by authorized surveyors of lands, which have already been granted?—There are.

1696. Are such surveys recognized in courts of law?—Yes, there is no law to prevent any one surveying.

1697. Does this system tend to depreciate the value of property in the country?—I think it pernicious, and it will some day be very injurious.

1698. When a settler applies for a plot of wild land, which he points out in the country, how is its position ascertained and placed on the map to secure the settler in his grant?—The usual practice is to measure from the nearest bounds of some survey or granted land.

1699. Can this be relied on as giving a settler a grant of land that cannot be disturbed?—Not without great care and a greater expense than a poor settler can afford.

1700. What method is followed in the formation of roads in the country?—All these matters have emanated from the legislature except in four cases, the most important one being the royal-road from Fredericton to the grand falls on the east of the River St. John, and the road from Fredericton to Peticondivas.

1701. How are funds raised, and is there statute labour in the province?—The funds for the first-mentioned road came out of the casual revenue, that of the last was paid out of the proceeds of the commutation of quit rents. The statute labour varies from 20 days' work to three days' according to the estate.

1702. What does a small farmer pay?—From four days upwards.

1703. Upon what scale is the labour regulated?—On the value of property.

1704. Do you consider that this system is one that works advantageously to the province?—No; I think the labour for the most part thrown away, half the amount of money judiciously laid out would be preferable.

1705. Are annual grants made by the legislature for this same purpose?—Very extensive grants of public money are made, and the great roads throughout the province have been of late years very much improved; the bye-road system is, I think, very bad, as the money is frittered away by small grants for portions of road.

1706. Are those funds managed by commissioners?—Yes; commissioners are appointed by the Lieutenant-governor and Council, receiving five per cent. on the money expended.

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The great roads are managed by supervisors, who receive 10 per cent., and are appointed by the Lieutenant-governor and Council.

1707. Are those generally persons who are qualified for the business?—Generally speaking, I think not; some of the supervisors are very good, and some few of the commissioners may be tolerable.

1708. Are the roads laid out by the commissioners?—No system has ever been adopted, and the executive are quite ignorant of the directions of the bye-roads.

1709. Has the settlement and prosperity of the province advanced of late years as much as its natural capabilities and resources have led you to expect from it?—By no means.

1710. To what do you principally attribute the slowness of improvement?—To want of a systematic encouragement of emigration, which, in addition to opening up the extensive forests, would naturally increase the consumption of the British manufactures, and thereby increase the revenue of the province.

1711. Have any great exertions been made of late years to introduce emigration?—None whatever by the Government, beyond the appointment of agents at St. John's, St. Andrew's and Miramichi; the two latter have been discontinued.

1712. Have many emigrants arrived in the province on their own account?—A great many, particularly at the ports of St. John and St. Andrew's; but they generally proceed on to the United States, as there is not sufficient encouragement for them in this province.

1713. What progress has been made by those, in settlement, who have remained in the country?—Those who have obtained employment have done well; also those who have had money sufficient to obtain land, or to pay one instalment, with a trifle to set them going.

1714. Do you consider there is sufficient encouragement for agricultural settlers, provided they are settled on their land without farther expense, but who have no capital to begin with?—Provided a small stock of provisions was bestowed on them with the land, I have no doubt, but 2,000, or 3,000 families could be advantageously settled annually for many years to come.

1715. Would those parties be able to pay down, or buy, their land at a future period, by instalments?—I think by instalments, without any difficulty, and I state this without any hesitation, because hundreds of squatters who have taken possession of Crown lands now possess cleared farms, varying from 60 acres downwards, besides valuable stock.

1716. How many years would you give before you demanded any instalment?—In three or four years they might begin to pay for their land by instalments.

1718. Are there any other causes likely to prevent improvement in emigration, besides those you have mentioned?—I think that one of the impediments towards the success of emigrants is, that they arrive with erroneous notions with regard to wages.

1719. Do you consider there is injury felt at present from owners of wild lands not contributing towards improvement?—Yes, I do; especially when the land happens to be where a road passes through it to a settlement, and when it stands in the centre of improvement.

1720. With reference to such existing evils, and to prevent future occurrences, what would you propose as the best method?—That the owner should pay a tax towards improvements.

1721. If such a tax were determined on, and the proceeds of it judiciously extended towards improvements in the country, and to promote emigration, what do you think would be a fair amount for 100 acres?—Five shillings per 100 acres would not be a burden.

1722. Can you furnish a plan of the province, to illustrate the foregoing remarks?—I can prepare one.

1723. What number of squatters or persons having no title to the property they occupy do you consider there are in the province?—The last return gave upwards of 1,500 families; about 200 of them have since applied for the lands, and paid a proportion of purchase-money.

1724. Do you consider that this number is increased?—I do.

1725. What steps could be resorted to as most likely to remedy this mischief?—A careful inspection of the tracts taken up by them, and survey of the lots, so as to enable the Government to give them titles when they apply for land.

1726. Where are these persons chiefly situate?—The greater number are on the border of the province, and about the centre.

1727. Are there many on the borders of the United States?—Not a great many; some few are to be found in those settlements.

1728. What, in your opinion, is an average price for agricultural labour?—From 3s. to 3s. 6d. a day, which includes their living; few farmers can afford to pay them at this rate; if labour was brought to 2s. a day, much more could be disposed of.

1729. Are the wages the same at all seasons of the year?—It is not so much in winter by about 6d. a day.

1730. Is there a scarcity of labour in the country?—I think there is; but the difficulty is to provide for them in the winter, as much fewer are of necessity required at that season of the year.

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1731. HAVE you been many years a resident in this province?—Yes, since 1803, during which time I have not been absent from these colonies.

1732. Have you held any official situation?—I formerly held the situation of deputy surveyor-general, and of auditor; and now hold the office of prothonotary and clerk of the supreme court, and have been a member of the council since 1831.

1733. Have you attended to the system of disposing of Crown lands since the regulation of sale in 1827?—I have.

1734. What, in your opinion, was the effect of that system, as to the settlement of wild lands?—Injurious, generally speaking.

1735. In what particular do you consider it acted injuriously?—It enabled vast quantities of land to be purchased by speculators, who did not settle them, but held them in a wild state, with a view to future profit, thereby preventing the improvement of the country.

1736. Did the parties pay the purchase-money for their lands?—Many did, but others failed.

1737. Did the conditions of sale in those cases require settlement?—No, it was a *bona fide* sale, and had no conditions attached.

1738. What is the system now pursued in disposing of Crown lands?—The system above alluded to was continued till 1837, when "An Act for the Support of the Civil Government of this Province" was passed, giving a new system for managing Crown lands, and which is now followed.

1739. In what particulars did this system materially differ from the preceding one?—The granting of lands under the former system was confined to the Governor, upon the recommendation of the commissioner of Crown lands only. Under the present system grants can only be passed by and with the advice and consent of the executive council, which I consider a great improvement, and the granting of large tracts has been discontinued, and now confined mostly to lots of from 100 to 500 acres.

1740. Are 500 acre lots the greatest that can be disposed of under this regulation?—No; there is no limitation as to quantity. But the Government now discourages the granting of large tracts, as being more likely to facilitate the speedy settlement of the ungranted lands.

1741. How has this system operated in settling the province?—It has operated very well so far as it has been tried. It has only been in operation about 18 months.

1742. On what terms is land now conveyed to the settler?—The lowest terms are 2s. 6d. per acre for actual settlement; the land varies in value to an unlimited amount, according to character, situation, or other advantageous circumstances, such as possessing mill sites, intervals, &c.

1743. Do all grants now made include terms of actual settlement?—No; land that is sold at public sale contains no such stipulation, only those who apply for 100 acres, for the purpose of actual settlement are bound to reside upon and cultivate their lands.

1744. Are there any advantages offered to the actual settler in purchase of land, in preference to a speculator?—Yes; the purchaser of 100 acres is allowed to select his spot, and his land is not put up for public sale, and it is generally sold at the lowest rate per acre; viz. 2s. 6d.

1745. How is the purchase-money required to be paid?—The purchase-money must be paid within 60 days, or the lands becomes forfeited, and open to other applicants.

1746. Does this system remedy the evils complained of, as appertaining to the old system, which enabled lands to be taken up by speculators having no view to immediate settlement and improvement?—The land now is not offered for sale in lots of more than 400 or 500 acres, which does, in some measure, prevent speculation.

1747. Is there any law that would prevent more than one grant being made to the same individual?—There is no law to prevent it; but the Government discourages the granting of lots above 500 acres to any individual.

1748. Does not any attempt to enforce limitation admit of evasion, by grants of land being taken out in other names, and by being transferred?—No doubt it does.

1749. What would you suggest as the best remedy to remove the evil arising from holding blocks of land as above described, and as possible to check a continuance of the same system?—By a judicious legal enactment in the way of a tax on wild lands.

1750. If such a tax was determined on, and the proceeds judiciously applied to improvements in the country, and to promote emigration, what, in your opinion, should be its amount?—As far as the tax would apply to large tracts of land, I should think from 1s. to 5s. on 100 acres too much; and the tax should be applied to other lands on condition of improvement; but the details, I am of opinion, should be left to the provincial legislature to arrange.

1751. Were any other defect in the present system besides the one pointed out?—I see no other point requiring alteration at present.

1752. Under this system, what time is required for a settler to be on his land from the time of his applying for the grant?—The settler decides on the land and makes his application for it (having arranged with the surveyor-general); he then petitions the Governor in Council, which, if complied with, he pays the amount of his grant-fees, and has his land immediately. The time required for the operation must depend on the date



## Evidence.

Hon. George Shore.

of application. The council consider such petitions the 1st of each month: the man may get his answer immediately; 60 days are allowed for the payment of the money, but no more, as after that time the grant is forfeited.

1753. Has the process of granting timber licenses undergone any material change since the act of last year?—Yes; the granting of timber licenses is, by the present law, transferred to the Governor and Council, instead of being confined, as formerly, to the commissioner of Crown lands; and the applicants are now limited to smaller quantities of land to cut from.

1754. Is the supply of timber equal to the demand in the market?—I think more at present.

1755. Are you aware of any change that might be made in the system of granting licenses that would operate to the benefit of the country?—The present system will no doubt admit of much improvement, and the subject has engrossed much of the time and attention of the local Government. It is beset with many difficulties; great trespasses are committed, and to remedy this evil is not an easy task; this matter is under the consideration of the Government.

1756. What proportion of squatters are considered to be in the province?—Upwards of 5,000, I should think.

1757. Are any steps taken to induce or encourage them to obtain grants of the land they occupy?—Yes, they may have their grants by the new act, on very advantageous terms.

1758. What are the terms?—They may obtain a grant not exceeding 100 acres by paying 1s. 10s. either down, or by four annual instalments.

1759. Do many take advantage of this act to obtain grants of land previously occupied by them?—Many instances have occurred.

1760. Do you consider the present system will lead to lessen squatters in future?—Certainly, because the system now allows any individual to apply for any lands so held, and causes the squatter to come forward and apply himself or run the risk of his land being granted to another; this operation has been frequently acted on.

1761. Does this rule apply to private property as well as to Crown lands?—It does not.

1762. In your opinion would it be advantageous to the province, and particularly to that part of it nearest the boundary, to apply this system in all cases?—I think it would, but there appear to me to be great difficulties in the way of applying this rule to private property.

1763. Is the system of road-making generally approved of, and such as you think most beneficial?—I do not consider the system acted upon by any means perfect, but our roads of late years are much improved; supervisors of the great roads are appointed annually by the Lieutenant-governor in Council, commissioners of bye-roads are appointed by the same authority; the system of statute labour admits of abuse, and I think would be much improved if money were paid instead of labour.

1764. Is the superintendence of roads under this system as efficient as desirable?—Many of our supervisors and commissioners of highways are well qualified persons and understand the business; but I think that a general and scientific supervisor is essential to ensure good and permanent roads.

1765. Have you had opportunities of observing the progress made by emigrants who have settled in the province?—I have.

1766. What class of emigrants do you consider as most called for or most successful?—Those who have a knowledge of agricultural pursuits; emigrants from the north of Ireland, have made good settlers, also the north of England men, and lowland Scotch make good settlers.

1767. Provided such settlers are located free of expense on good soil, in what time do you consider they could contribute towards purchase or rent?—In five years.

1768. What could a settler afford to pay after that time?—The fifth year he could pay 6d. an acre, with a trifling annual increase.

1769. Do you consider they could pay 1s. an acre after seven years?—I think they might, provided the emigrant was allowed to have a share of the road-work.

1770. Would such terms with an option of purchase at 20 years' value of wild land, or a lease for ever be such terms as would be likely to induce emigration and to contribute to their success?—I think such terms would be advantageous, and would be attended with success.

1771. What capital do you consider an emigrant ought to have to start with, their families averaging four persons each?—I think an emigrant with a wife and two children, if on their arrival in this province, they are to proceed forthwith to their location (say in June, what I consider to be as favourable a time as any), must be subsisted for 16 months, which at a full ration for himself, and a half ration each to his wife and children, would at 9d. per ration, amount to about 45l. currency; he must be assisted with food for this period if he is expected to remain on his land for the purpose of clearing it. The first summer he can grow nothing, except perhaps a few potatoes, and not even those, unless he is a very active and industrious person, consequently he can reap nothing the following year, until the month of September and October, when his crop may be gathered. His hut must be built for him, assisted by his own labour, which would perhaps cost 10l. The tools and implements of husbandry, to be furnished in the first instance, should be two narrow axes of the best quality, such as are commonly used in this country, 9s.; a whip saw to every six families, 20l.; a cross-cut saw to every six families, 25s.; each person two augers, inch and a quarter and half inch, 7s.; each settler two good hoes, 7s.; a hand-saw, &c. 10s.; with this trifling supply he may venture to commence

commence operations. A cow for every four families for the first two years would be very desirable if fodder could be obtained, and it would be necessary to induce success in the undertaking that a pair of stout oxen be provided to every four families to log up their chopping, after being felled; where the land is heavily timbered, seed wheat, oats, and potatoes must also be supplied the first year of cropping. This would all amount probably to 65¢ currency for each family. In new settlements the greatest advantage is to be derived from the erection of an out-mill and kiln, in suitable situations, upon a simple and economical plan; an oat crop is always certain, and affords good food when made into meal, and greatly assists the new settler; the straw also is very useful as fodder for a cow or oxen.

1772. Can you furnish a census, showing the population of the province at different periods?—

Population of New Brunswick, in 1834.

WHITES.				PEOPLE OF COLOUR.				TOTAL of PERSONS.
Males.		Females.		Males.		Females.		
Above 16.	Under 16.	Above 16.	Under 16.	Above 16.	Under 16.	Above 16.	Under 16.	
22,038	17,154	16,646	16,825	384	355	412	362	74,176
Population of New Brunswick, in 1834.								
39,477	29,009	27,797	28,031	398	359	496	378	119,459

1773. What number of militiamen were in the province last year, and at intervals 10 years preceding?—

Strength of the Militia, New Brunswick.

		Total Strength.
In the year 1817	6,389	
" 1827	17,800	
" 1837	20,212	
Including officers and non-commissioned officers.		

1774. What ages are included in that return?—In the rank and file rate 36 and 45.

1775. And so non-commissioned officer in this return as to age?—The age does not refer to non-commissioned officers.

1776. Do you conceive the above return includes all the men in the province?—I think a great number are not enrolled; from 3,000 to 5,000 persons are not included in this return.

R. Hayne, Commissioner, N. B. and N. S. Land Company,  
Fredericton, 5 October 1838.

1777. ARE you superintending the new settlement of Stanley?—I am the commissioner of the New Brunswick and Nova Scotia Land Company. I have, in consequence, the superintendence of the company's establishments and settlements in this province, of which Stanley is the chief. The accompanying plan and map, with its respective references, will furnish you with much general information as regards the soil, situation, &c. of Stanley and its neighbourhood.

R. Hayne.

1778. Will you state the formation and progress of that place?—The foundation of this infant settlement was laid in 1834-5, by the erection of a saw and grist-mill, a blacksmith's shop, some carpenters' sheds, and a few temporary dwelling-houses. In reclaiming the wilderness, with a view to the ultimate formation of a town or continuous settlement, the above buildings are indispensable, and no expense should be spared to obtain the best information previous to commencing operations. Stanley now consists of 36 houses, inclusive of two saw-mills, a grist and oatmeal-mill, a large store and granary and schoolhouse, and has on the town plot and immediate neighbourhood of the village 170 acres of cleared land under crop.

1779. What is the character of the soil?—The tract of land belonging to the company is too large (580,000 acres), and not sufficiently known to permit me to speak in any but general terms of the soil, which I have every reason, however, to believe is chiefly of a good quality. That portion of it which surrounds Stanley, for two or three miles on each side of the Nashwaak, is excellent, and capable of yielding any kind of grain or root crops. So also are some scattered blocks on the Berwick, the Mactaguack and the Nacawickack rivers. There are also some good blocks of hardwood and intervalle lands on the S. W. Miramichi, but they are not of frequent occurrence. I must here except the line of the portage road from the head of the S. W. Miramichi to the River St. John, a little below the Shetitihok, which passes through a beautiful country; the lands bordering on the Nashwaak are particularly well watered.

1780. Have industrious settlers improved their condition, and have they fair prospect of success?—In June, 1838, 15 families came out from the neighbourhood of Berwick-upon-Tweed,

Evidence.  
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upon Tweed, under an agreement with the company that, on their arrival, they should be put in possession of a comfortable log-house, with five acres cleared and under crop. But, owing to the extreme scarcity of labour, the high prices of provisions and other circumstances, over which the commissioner, my predecessor, had no control, unfortunately neither of these works were accomplished. The people were, however, put under cover, and employed in clearing the land on their own allotments, building log-houses, making roads, &c. at very high wages. Most of these families earned from 160*l.* to 200*l.* during the first 17 months; notwithstanding this they are all in debt to the company, although they have not paid one farthing either in the shape of rent or purchase of their farms. This circumstance has tended to confirm the impression which a long residence in different parts of Lower Canada, and 15 months passed in this province, has made upon me, viz., that much encouragement and indulgence in the way of wages and provisions are as detrimental to the true interests of the new settler as they are to the prosperity and advancement of the settlement. These settlers have now, on an average, 10 acres cleared and under crop, and two acres chopped down, good houses and small barns, and are decidedly improving their condition. Towards the fall of the same year, 1836, 48 families arrived from the Isle of Skye, Glenelg, &c. under a similar agreement, but finding these people, with very few exceptions, so idle, improvident and so utterly ignorant of the simplest agricultural pursuit, that, in the face of a debt of upwards of 100*l.* per family, I was induced to hold out a premium of from 6*l.* to 8*l.* to each family to quit the company's territory; and I am rejoiced to add that I have succeeded, with the full concurrence of the court of directors, in getting rid of all but 10 families, most of whom are now doing tolerably well.

1781. What means do settlers require to set them up in new locations?—Emigrants wholly unprovided with means, and coming to this country under the auspices of Government or any public company, ought to be provided with a log-house, as a covering only, for the first two or three months after arrival, two acres under cultivation, one in potatoes, the other in wheat, with a spade, an axe, a hoe, and an auger, a sufficient quantity of clothes and bedding to withstand the rigour of the climate, provisions to last for five months, viz., the middle of May to the yielding of the produce of the land in October, together with 4*l.* or 5*l.* for the purchase of comforts for the first winter, would convert an industrious, honest agricultural labourer into an independent and respectable small farmer in six or eight years. I here suppose that the settler arrives in May, and finds his house built, and his land cropped, and that he will be enabled to make his house frost proof, clear five or six acres, and perhaps earn 2*l.* or 3*l.* prior to the setting in of the winter. I am decidedly averse to giving daily rations as temporary assistance to settlers, as, from a reliance on others for support, this indulgence is apt to engender idleness, and on its cessation to produce depression and discontent. The system pursued by the company in the disposal of their lands has hitherto been, that each settler on arrival be put in possession of a comfortable log-house and 100 acres of land, five of which are to be cleared and cropped, for which the settler is to pay a rent of 1*s.* per acre, or purchase the lot by instalments within the first 10 years of occupation, at 20 years' purchase, or 100*l.* These terms I conceive to be highly advantageous to the settler, but they are at the same time unprofitable to the company, if the system be carried to an extent beyond the mere formation of settlement, or the collecting together of a body of steady agricultural labourers, preparatory to the introduction of persons of enterprise and capital, which will be made evident by the following calculation:—

	£.	s.	d.
Clearing five acres, at 5 <i>l.</i> per acre - - - - -	25	-	-
Cropping ditto, at 7 <i>l.</i> 10 <i>s.</i> per acre - - - - -	7	10	-
Log-house, similar to that now occupied by the Berwick emigrants - - - - -	35	10	-
	£.	68	- -

Thus leaving only 32*l.* to pay for each lot of land, inclusive of the expenses attendant on survey, &c. The houses of the Skye emigrants are not so expensively built as the above.

1782. Can they repay any portion of money advanced, and in what time, and how much per year?—In accordance with my calculation, in reply to query, No. 5, as to what should be done for settlers of the poorer class preparatory to arrival, I think no payment can be made for the first three years. I am strengthened in this opinion by the fact, that none of the settlers on the company's lands have yet repaid any portion of the advances made for their passage to this country, or paid up any rent or instalment for their farms, notwithstanding the advantages which have been afforded them.

1783. What arrangements should be made previous to the arrival of settlers?—This question has already been replied to in my answer to query No. 5, as regards the poorer classes; but with reference to the better class of agricultural labourers, I should recommend the same arrangements to be made for them as for the poorer class, only they should be required not only to pay for the improvement made on their lands, but also to pay an instalment on the purchase of the said land on entry; I, of course, suppose that this class have sufficient capital to maintain themselves for the first 12 or 15 months.

1784. Are there any points that have come to your notice requiring attention to advance and promote emigration?—From the specimens I have seen, I am almost inclined to be opposed to emigration *en masse*, unless indeed a clergyman, or some person of high character

character and respectability, up to whom a body of emigrants could look with confidence and respect, settles amongst them; in this case it would be necessary to have as little dealing as possible with petty shopkeepers, and to take every precaution to avoid the introduction of spirituous liquors into the settlement. The most thriving and independent farmers I have seen in this country, or in Canada, are those who, on their outset, carried their provisions on their backs several miles into the wilderness. Fortune and a good selection of land might have favoured them, but such is the fact; if funds were not considerations, I strongly recommend the course I have laid down in No. 5, to be carried out in different sections of the province: I allude to the construction of a loghouse, and putting a certain quantity of land under cultivation prior to the arrival of the emigrant; in all cases I should advise that the charge for lands be very moderate, and that each settler be compelled to clear three acres annually, and pay for his land by small instalments. There can be but one opinion as to the class of emigrants who must inevitably do well, if they will but maintain steady, sober and industrious habits: agricultural labourers, carpenters and blacksmiths will soon convert a wilderness into a thriving settlement. Gentlemen coming to this country with a capital of from 800*l.* to 1,000*l.* can purchase and stock a good farm which, with an annual income of 60*l.* or 100*l.*, will, by the exercise of common prudence and industry, become independent. No gentleman should go into the wilderness under the impression that he will there be able to earn a livelihood by his own exertions: I have witnessed many unhappy results from failures in such like attempts. Irishmen are better calculated than any other old countrymen for back-woodsmen; they stand up against difficulty and hardship with good humour and determination, and sustain privations of food and raiment in an astonishing degree: Lowland Scotchmen make good settlers; Highlanders are proverbially idle, improvident and unenterprising; Englishmen from Suffolk, Yorkshire, Devonshire and the agricultural counties, generally are valuable emigrants.

1785. Will you make any remarks that have come to your observation to promote success and advance emigration, making of roads, &c. &c.?—A reply to this query has already been embodied in the foregoing, with the exception of what may refer to roads, the formation of which I consider indispensable to the advancement and prosperity of a new country, as it not only develops its resources, but gives employment to the early emigrant, enabling him the sooner to pay for his land. I should here suggest the expediency of following the system laid down by the company on this particular subject, viz. that the emigrants of one year be employed in preparing for the reception of those who may arrive the next coming season, in clearing lands, building houses and making roads, which latter should invariably be carried, in the outset at least, through the best of lands. I very much regret your sudden and unexpected departure from this province, not only, indeed, on account of its having deprived me of an opportunity of showing you the company's establishment at Stanley, but because it compels me to make a hurried and curtailed report, giving an outline of the present state of the company's improvements with which his Excellency Sir John Harvey was pleased to express himself highly delighted, during his recent tour through the province. Stanley is distant from Fredericton about 25 miles, the first eight of which are passed over by the royal road, the remainder by a road made solely at the company's expense, which cost about 3,000*l.*; on the line of road, lots of 100 acres are clearly laid off, 61 houses are built and 580 acres cleared and under cultivation. The town-plot of Stanley contains 266 acres, 170 of which are cleared. The population of Stanley and the road leading thereto from Fredericton is 256. From Stanley to Campbell, on the south-west river, 16½ miles, a road has been opened, well bridged and partially cleared of stumps; it will soon, however, become impassable, if the Government or an increase of settlers do not make some pecuniary appointment, to complete by their voluntary labour what has been so well commenced. On this road there are 200 acres under cultivation, and three settlers established. At Campbell the company have a small establishment, and about 160 acres under cultivation; there are about eight houses on the village-plot, which, with but little expense, might be made very comfortable residences for mechanics. There are only a few scattered settlements higher up this branch of the river, about six miles below Campbell, at Bocoestown, a small village chiefly supported by its mills; there are two horizontal strata of a slate coal distinctly visible, one about three the other about five feet from the surface. There are 39 lots with houses vacant on the road from Fredericton to Stanley; two-thirds are good and eligible for settlement. There are a few excellent lots, without houses, on the road to Campbell; the land through which the road passes is of an average quality. On the royal road there are 36 lots, having unfinished houses on them, eligible for settlement. There are also other lots having partial clearances, which, if occupied next spring (1839) when the roads are in the course of prosecution, would become valuable; otherwise the brush and underwood will grow up and render the land more difficult to clear than when encumbered by the original growth of timber. The line of projected road to Woodstock (*vide* Plan) is eligible for settlement throughout. Should his Excellency the Governor-general propose any extensive plan for immediate emigration, I trust the foregoing statement, showing the numerous vacant lots and eligible sites for settlement may not be lost sight of. I further hope that a knowledge of the fact, that the New Brunswick and Nova Scotia Land Company have, within the short period of three years and a half, expended no less a sum than 80,000*l.* in reclaiming their wilderness lands and rendering them fit for the reception of the surplus population of the mother country, without any early prospect of a reasonable return for this outlay, will induce his Excellency to consider this company deserving the patronage of Her Majesty's Government.

Evidence,

R. Hayne.

Evidence.

C. P. Wetmore  
Esq.

Charles Peters Wetmore, Esq., Clerk of the House of Assembly.

Road appropriations in New Brunswick for the Years 1830 to 1838, both inclusive.

1786. WHAT official situation do you hold in this province?—Clerk of the House of Assembly.

1787. Can you, from the documents in your office, give me any information as to the manner of appropriating the monies for the improvement of the several roads and bridges throughout the province?—The mode adopted by the Assembly in making appropriations for the road service is to refer the matter to a committee of the House, made up by a member for each county; which committee report the sums to be appropriated, and as much thereof as is required for great roads is appropriated by that committee to the respective great roads, and the amount to be expended on the bye-roads is divided between the several counties in proportion to the extent of bye-roads in each county, leaving the members to make distribution thereof; but no parish gets any portion of the grants unless certificates from the courts of sessions, are filed by the secretary of the province and laid before both branches of the legislature, stating the statute labour in that parish to have been performed.

1788. Under whose direction are these grants expended?—Great road grants are expended under the directions of supervisors appointed by the executive in charge of each road; and the bye-road grants by commissioners also appointed by the executive after the close of every session. These commissioners are usually recommended by the members for the different counties.

1789. What remuneration is allowed to these officers?—The supervisors receive a commission for their services of 10 per cent. on their expenditures, and the commissioners five per cent.

1790. In what manner are the accounts of expenditure made up, and how audited?—Returns of these expenditures are made up under oath, accompanied by the proper vouchers, and are audited by a committee of the House of Assembly at every session. To this same committee are also referred all accounts connected with the expenditure of the provincial revenue.

1791. Does this system of auditing the accounts give satisfaction?—Certainly; for the members of the Assembly, being best acquainted with the situations and condition of the roads in the different counties, have an opportunity of best knowing whether the monies have been faithfully expended.

1792. Can you furnish a scale of the appropriations for roads for a few years past?—Yes; and I exhibit this abstract from the years 1830 to 1838. (See Scale.)

1793. Are you enabled to inform me of the whole amount of appropriations, say for two years past?—In answer to this question, I refer to reports submitted to the Assembly from the committee of finance in the years 1837 and 1838.

1794. Have you any information in your possession relative to the several mill establishments in the province?—In 1836, a return of mills, confined to saw alone, was communicated to the Assembly, showing the extent and value of the establishments in operation the previous year (1835); there have been no returns since that period; since then various companies have been created by act of Assembly, and they have very extensive mills erected and now in active operation; besides these, various private establishments have been built; as to the value of these I can form no estimate.

The road appropriations have been as follows:—

1835:			
Great roads	- - - - -	8,400	
Bye-roads	- - - - -	8,250	
Special grants	- - - - -	910	
Grants to improve navigation and not included in recommendations from select committee	- - - - -	327	17,887
1836:			
Great roads	- - - - -	9,660	
Bye-roads	- - - - -	11,110	
Special grants	- - - - -	710	
Grants not included in recommendations from committee	- - - - -	770	22,250
1837:			
Great roads	- - - - -	15,500	
Bye-roads	- - - - -	14,125	
Special grants	- - - - -	1,050	
Grants not included in recommendations from committee	- - - - -	865	31,540
1838:			
Great roads	- - - - -	17,025	
Bye-roads	- - - - -	15,000	
Special grants	- - - - -	1,450	
Other grants for internal improvement not included in recommendations from committee, about	- - - - -	6,525	40,000



Mr. William J. Bedell.

Evidence.

Mr. W. J. Bedell.

1795. WHAT business are you engaged in?—In the commercial line.

1796. Have you extensive dealings with parties settled in the interior of the country?—I have.

1797. From your knowledge of such persons, and their transactions, do you consider the province offers advantages to agricultural and other settlers?—I consider that in almost all cases where agricultural emigrants have been industrious and saving, they have, in a few years, become independent; I have known numerous instances of that class of persons being so.

1798. Persons who engage in lumbering are not so generally successful?—When they are prudent and industrious, they acquire money to purchase property.

1799. Do many persons continue labourers for a great length of time?—They generally obtain means to become settlers themselves.

1800. Has there been any change in the prices of provisions of late years?—There has, for two years flour and provisions generally have become cheaper.

1801. What has been the change in two years?—There is not much difference in the last two years.

1802. Do the imports increase in articles of provision?—They increased gradually to 1837; the good season, added to greater agricultural exertion, has caused decrease since that time.

1803. What do you consider would be the expense of maintaining a family of five persons 12 months, comprising a man and his wife and three children?—I think that 15*l*. would provide a family of five persons with wholesome food, and 10*l*. with comfortable clothing for one year.

1804. What class of settlers are most frugal, and least expensive in their mode of living?—The Irish and Welsh, and the Lowland Scotch make good settlers.

1805. Are there any arrangements that you consider would advance settlements, and benefit emigrants on their arrival?—The first thing they want is land ready for them to settle on, and to know where they are to go, and roads or a means of communication to those lands.

1806. Have you known many persons who have come to the province with the intention to settle, leave it?—Yes, mostly Welsh.

1807. Were those persons generally in desolate circumstances when they left?—No, quite the reverse.

1808. What reasons did they assign for leaving the country?—No given reason, and some of them returned.

J. A. MacLaughlan, Esq.

1809. HAVE you been long resident in the province?—Yes, since 1827.

1810. Have you had an opportunity of examining any portion of the country, so as to form an opinion as to its capabilities for emigration and general improvement?—Yes, my public duties, since 1818, have afforded me an opportunity of examining the lands in all sections of the province, excepting the north shore, now called the county of Gloucester; and I am fully satisfied that the lands generally through the province are well adapted for agricultural purposes; however, I am of opinion, the greater bodies are to be found on the St. John river, between Fredericton and the Madacacka settlement, a distance of 160 miles, and extending for miles east and west.

J. A. MacLaughlan,  
Esq.

1811. Will you state your opinion for opening the resources of the country, so as to introduce immediate emigration?—I should recommend the opening of lines of communication from the seat of Government to certain points as follows:—

From Fredericton to the Ristigouche, to meet the Canada Kempt road.  
From Fredericton to the Grand Falls, and through the Madacacka settlement to the St. Lawrence; also roads from these lines to intersect points on the St. John river and the north shore.

On these lines I should recommend the surveying of allotments of 100 or 150 acres each, with a frontage sufficient on the road to prevent them extending over three-quarters of a mile to the rear, so as not to intimidate emigrants from settling in the second range; there, it is most probable, roads might not be immediately opened.

1812. What capital do you think necessary to enable an emigrant to settle in this country with a family?—From 30 to 50 guineas would enable him to locate himself very comfortably on any of the lines of road first alluded to, provided he met with encouragement from Government in allowing him his allotment of 100 acres free, or by paying a trifling amount for the same in two or three years; however, I should thoroughly urge the Government, if desirous of settling this dense wilderness of this province, to allow the whole, or at any rate a portion of the first settlers on these lines, a free grant, on certain conditions of improvement; and at the same time I recommend that Government should reserve long alternate lots; I think, in a few years, it would more than compensate for the cutting, or making roads, and surveying the lands.

	R	
		R
R		
		R
R		
		R
100 or 150 acres.		

N.B. By this arrangement of lots the reservation does not prevent the road being well settled.

## Evidence.

*J. A. Macdonald.*

1813. What method do you recommend as best suited to form the roads that you have spoken of?—To have all the trees and under-brush grubbed or taken out, 24 feet in width, then the ground ploughed and form a trowing of 12 or 15 inches, also to have a skirting of 20 feet on each side, by cutting down the trees to within two feet and a half from the surface.

1814. What do you consider a road, as you have described, would cost a mile?—It would not exceed 150*l.* currency a mile, including bridges.

1815. Are there many squatters, or settlers, without titles, in the part of the country you are best acquainted with?—Yes, there are; but the greater part are residing within the disputed territory; the remainder are in back settlements off the Saint John, and generally very poor men with large families.

1816. Are they generally a contented class of persons?—They appear so, although Government periodically threatens to sell their lands if they do not come forward and pay off their instalments.

1817. Do you consider the price of land has been too high in this province, and detrimental to the settlement of it?—I certainly do; which, together with the want of roads, has, since my settlement in the country, caused one-third less population than we otherwise should have had.

1818. Are the crops of grain and potatoes generally good that are raised on new land; and what is the increase?—They are more certain than on old or cultivated land; and the increase very often double: wheat and other grain, from 20 to 25 bushels from 1; potatoes, from 20 to 30 bushels from 1.

*James Robb, Esq. M.D., Lecturer of Natural History and Chemistry, King's College, Fredericton.*

*James Robb, Esq.*

1819.—HAVE you visited different parts of the province?—I have.

1820.—Will you state any observation you have made as to the capabilities of the country for advancement in agriculture or otherwise?—I made an excursion through the north and west parts of the province. The greatest part of the north part of the province is slate-rock, alternately in many places with beds of limestone and iron ore. The slate districts contain a fine clay soil, well adapted for agriculture, particularly the upper part of the St. John and most of the high lands on the Ristigouche river. The eastern shore, as well as the central districts of the province, are composed of red and grey sandstones, covered generally by a light open soil, best adapted for corn, buck wheat, and potatoes; granite, trap, limestone, and sandstone, prevail along the shore of the Bay of Fundy. These rocks generally rise into high mountains or bluffs, of a character generally unsuited for the operation of the agriculturist. At the mouth of the St. John, and nearly as high as its junction with the Kennebecasis, there is good lime, in quantities sufficient for all the colony, and for exportation. The banks of the River St. John, for upwards of 300 miles from its embouchure, as well as those of its very numerous tributaries, with very few exceptions, present a soil for agriculture. The Ristigouche has several small streams, with vallies well situate for agriculture. The banks of the upper part of the Ristigouche are too precipitous for agriculture. From near the mouth of the Ristigouche, bordering the bay of Chaleurs, there is a fine soil, as well adapted for agriculture as any part of the province. The east coast of the province, bordering the Gulph of St. Lawrence, is generally very low, with several spacious harbours and arms of the sea formed out of the soft sandstone shore. The same character of coast prevails from Dalhousie to the Bay Verte.

1821. In your journey round the province, did any extensive forests, and did any mines or minerals, or other striking feature, come under your observation?—There are extensive forests of soft wood on the west portion of the province; on the east portion of the province hard wood generally prevails. I found the following minerals or rocks existing in the country. (See List.) There are numerous rivers in the province, generally running north-east and south-west. The want of high lands in the province caused them to approach each other to within a short distance, and points out a great facility for water communication. There is not a river, but has falls which offer most valuable water privilege. The rivers generally issue from swamps, which form extensive tracts of barren.

1822. Is the country through which you passed commonly suitable for agricultural pursuits?—The hard-wood lands, on the east coasts, would be available for agriculture.

1823. Is the country generally settled near the roads through which you passed?—Generally speaking, but not always; on the east coast particularly, the roads generally passed through large tracts of forest, without any settlement.

1824. Is the unsettled country generally susceptible of cultivation?—Generally, except portions which are barren, and part of the country that was too precipitous for cultivation.

1825. In the parts of the country that were settled, were the people generally improving the lands?—Those who gave themselves up to farming were comfortable; those who lumbered more than they farmed were generally not well off.

1826. Are the inhabitants generally contented?—Those who farmed in earnest, and cleared their lands, were generally contented; the lumberers, generally, have dissipated habits, and their lands are too frequently hampered with mortgages.

1827. What class of people succeed best in agriculture?—Those from the Lowlands of Scotland, the north of Ireland, north and midland of England, and the United States, appear to prosper best, and are most industrious; the natives also succeed well; the south of England, the south of Ireland, and the north Highland people, are improvident; and also the French, with few exceptions,

1828. Does

## Evidence.

James Ross, Esq.

1828. Does any thing occur to you as wanting, to advance the country and to promote and improve agriculture?—Legislative encouragement, in the way of premiums, for agricultural advancement; the formation of central and branch agricultural societies, to distribute knowledge, and, if possible, to enforce the introduction of agricultural science; the Americans have derived great benefit by introducing instructions in the science of agriculture along with other branches taught in schools and colleges; as an instance of the defect of agriculture in this province, the farmers continued generally to pursue the system of spring ploughing, notwithstanding the known backwardness of the spring.

1829. Is there any other cause for want of success in agricultural pursuits?—The majority of emigrants have been poor, and have not had the same advantages that the better class of English farmers have had; they consequently adhere to many antiquated practices; the great errors are, not manuring the land, clearing too much land, and out-cropping land.

1830. What observations have you made in the climate of the different places through which you passed, in respect to agriculture?—Generally speaking, there are five months of summer, five months of winter, and two months of broken weather; in Fredericton, in an average year, there are 240 or 250 days perfectly clear from rain or fog.

1831. Are there any parts of the province decidedly opposed to agricultural operations?—The precipitous side of the slate mountains of the north, and tracts of barren, and the exposed and rugged hills on the bay shore, and a swamp in the interior, will for ever oppose agricultural exertion; the shortness of the summer in the Bay of Chaleurs is also opposed to agriculture.

1832. Are there many settlers at present at the Bay of Chaleurs?—The south of the Bay of Chaleurs is generally settled; there are flourishing settlements at Bathurst.

1833. Do the inhabitants of the bay generally exist by agriculture?—Nine-tenths are farmers; some are also fishermen and lumbermen.

Rocks and minerals of New Brunswick, as seen by J. R., or ascertained to exist, 1838.

**Granite.**—St. John, near St. Andrew's, near Fredericton, near Bathurst, Hammond River, Uerepis. This rock, useful either for building or making of millstones, exists also in the form of boulders all over the eastern half of the province.

**Sandstones.**—including freestone for building and flagging: grindstone and whetstone is perhaps the most prevalent rock in this province; it is formed generally on both banks of the St. John, from the Kenebecasis to the Keswick, on the Tobique and its tributaries, on the east coast of New Brunswick, from Jacquet River, near Dalhousie, to the Missisquoi, which separates New Brunswick from Nova Scotia. It is found to extend from the mouth of the Jemsaig, where it joins the St. John north-east to the mouth of the Richibuctoo, where it falls into the Gulf of St. Lawrence; it is found at the mouth of the Nashauk, and probably continues uninterrupted to the mouth of the Miramichi on the east coast; so that we may reasonably conclude that the central portion of New Brunswick is composed of this rock: when we recollect that coal and ironstone generally occur in sandstone, and that these minerals have already been noticed at several places, we will not fail to perceive the great benefit which may be expected to result from a more minute exploration of the district just mentioned.

**Limestone and Marble.**—Bay Shore; St. John, Musquash, and several points on shore of bay:

St. John River; Kemubecagis, Salmon River, Nashuacksis, Kenwick, Numquat, Presquise, Tobique, Restook, Grand Falls, &c.:

East Coast; Campbellton, Belledane, Petit Rocker, New Bandon, Dorchester, &c.

**Salt.**—Prime springs in Sussex Vale, Tobique River, Mars Hill.

**Atum.**—St. John, New Bandon, &c.

**Plumbago.**—St. John's.

**Gypsum, or Plaster.**—Shepody, Tobique, Sussex Vale, New Bandon, Richibuctoo, Petidicac, Sackville, Grand Lake, Salmon River, Stanley, Campbellton.

**Iron.**—Woodstock, Presquise River, Restook, New Bandon, Grand Lake.

I have also specimens of iron ore from Meductic River, Fredericton, Charlotte County, Dorchester and Madawaska.

**Manganese.**—Woodstock, Quaco, St. Martin's.

**Lead Ore.**—Richibuctoo, Charlotte County.

**Copper Ore.**—Bathurst, Charlotte County, Eel River.

**Tin.**—Said to exist on Ristigouche.

**Antimony and Molybdina.**—Bathurst.

**Marle, Peat, Clay for Bricks, Clay for Pottery, Jasper, Serpentine, and Mineral Springs,**—abounding in many places.

Indian Tradition of burning mountains, gold mines and silver mines.

## Evidence.

James Robt, Esq.

## CLIMATE OF FREDERICTON.

Mean temperature of Fredericton, by daily registration	-	-	-	48½ F.
" by observations on wells	-	-	-	41'5
" of Edinburgh, (Lat. 55° 57')	-	-	-	47'84
" Quebec	-	-	-	41'74
" London	-	-	-	50'36
" Paris	-	-	-	51'
" New York	-	-	-	53'

The three summer months' temperature of Fredericton, 61'2, that of Stockholm, in Lat. 59° 30', N.

The three winter months' temperature of Fredericton, 18'2, that of St. Petersburg, in Lat. 59° 36', N.

Greatest variation of winter temperature at Fredericton from 20 to 30; 245 days fair weather, average year.

Three bushels of wheat on three acres of land (Tobique) give 100, second growth.

At Fredericton, hard-wood, hemlock.

" Grand Falls, hase, epildbium, raspberry.

" Pobiok, poplar.

" Restigouche, generally poplar, white birch.

" Belledune, poplar, birch.

Near Miramichi, on heavy pine, and hard wood, raspberry; on fair quality of soil, cherry; on poorer, birch and poplar.

*Barren*.—Very extensive, generally owing to flat tracts of sand or sandstone, sometimes to peat mosses.

*Influence of burning lands*.—E.g. Rank weeds on portage of Grand River; ditto Tobique, ditto Miramichi.

*Most flourishing settlements*.—Maryland, Stanley, Caverhall, Jackson Town, Mouth of Tobique, Flat lands of Restigouche, Kouchebouguai, Bricouche. Clay and marly lands at Jackson Town, sandy at Miramichi.

## Venerable Archdeacon Coster.

Venerable  
Archdeacon Coster.

1834. THE surveyor-general has furnished the following list of lands granted or reserved for church and schools; does it correspond with the information you have on the subject?—No doubt it is correct.

1835. How many incumbents are there in the province?—At present 24, and four assistants in orders.

1836. How many parishes are there?—At present about 80, but many of them immensely large; in every legislative session the number is gradually increased by the division of such as are found inconveniently extensive.

1837. Are all these provided with land for ecclesiastical purposes and for education?—By no means, not more than half of those already formed.

1838. How many parishes of 150 square miles would there be, in case the whole province should be located throughout?—There would be 160 parishes.

1839. In your opinion would the above arrangement be sufficient to accommodate the wants of the people?—I should consider a parish containing 100 square miles a very large one, and the province is capable of forming 250 of such parishes.

1840. In case of emigration to this province on a large scale, what means are there to provide for religious instruction in new settlements forming in the country?—I know of no funds upon which we can securely count. The colonial legislature makes no appropriations for this object. The Imperial Parliament has withdrawn the assistance it gave till lately to the Society for the Propagation of the Gospel, upon which the church depends, and the withdrawal of such assistance has embarrassed the society; and it is much to be regretted that, by the late arrangement with reference to the Crown lands, the Government has surrendered the control of them, without any stipulation for the fulfilment of the expectations which the church had been long encouraged to entertain of help from that source, in maintaining and extending its operations through the province.

1841. Upon what were the expectations of which you speak founded?—Chiefly upon the royal instructions to the successive Governors, by which they were directed to endow with land, for the benefit of the church, all such parishes as should be formed agreeably to those instructions.

1842. What quantity of land do you consider would constitute such an endowment as the royal instructions designed to each of the parishes which they directed to be formed?—Five hundred acres of good land as glebe, for the maintenance of the ministers, and the same quantity for the building and maintaining of a church, besides what it may be thought proper to allow for the purpose of education in every parish.

1843. Can you state briefly the grounds on which you represent an endowment to this extent as having been designed?—By the earliest instructions addressed to Governor Carleton, in 1784, it was ordered that the province should be divided into townships of about 100,000 acres (or 150 square miles) each, and that in each of these townships a spot should

should be set apart for the building of a church, and land allowed for the maintenance of a minister, and of a schoolmaster; and also to aid the building of churches and school-houses. The quantity of land to be allowed for these purposes was in each township for glebe, for maintenance of minister, not exceeding 1,000 acres; for schools, not exceeding 500; for building churches, indefinite. In additional instructions to Sir James Craig, dated 1807, it was directed that the province should be divided into counties, and those counties into parishes; and that in each parish there should be set apart a spot for the building of a church; and adjacent thereto, for the maintenance of a minister, 500 acres; and for that of a schoolmaster, not exceeding 500 acres. And until the commencement of the late changes in the administration of the provincial affairs, the executive of the province considered itself authorized by these instructions to grant to each parish, when petitioned for it by its ecclesiastical corporation, the quantity of land specified in the preceding answer; and did so in various instances.

1844. What do you mean by the ecclesiastical corporation of the parishes?—It is provided by an act of the general provincial assembly, that the proprietors of pews in any parish church may elect two churchwardens, and a vestry of not exceeding 12 members, every year; and these churchwardens and vestrymen, with the rector, constitute a parochial church corporation, having the powers usually granted to such a body. They are competent to receive grants of land, and manage it for the benefit of the church in their respective parishes.

1845. What hindered the royal instructions for the endowment of parishes from being carried more fully into effect?—Chiefly the small number of clergymen employed in the province, which prevented the formation of such corporations, to apply for and receive grants.

1846. Has there been much improvement upon the lands already granted, and possessed by the church?—In most cases the glebes are unproductive as yet, and at a distance from towns will continue to be so, till the country is better settled; unless the clergy engage a little in farming, which (if they have to clear the land) it is by no means desirable they should. But there are two cases (and I believe three) in which the clergyman derives an income of about 100*l.* currency per annum from his glebe; and another case in which this income exceeds 50*l.*

1847. What means are there to provide for education in newly-settled parts of the province?—This being a favourite object with the provincial legislature, they may, I think, be depended upon to provide pretty liberally for it. We have a deed by which provision is made for a grammar school in each county, and for several schools of an inferior description in every parish; the practice is to grant a stipend from the public treasury of 20*l.* per annum, on condition of this same sum being made up by the people of any settlement desirous of a school, provided that the sum do not in the whole exceed 160*l.* currency per annum for each parish.

*Henry Bartlett Rainsford, Esq.*

1848. HAVE you resided long in this province?—I was born in the country, and have lived in it since then.

*H. B. Rainsford, Esq.*

1849. Have you had considerable experience in agriculture?—Yes.

1850. Will you state whether in your opinion the climate admits of agriculture, or emigrants settling to advantage to themselves, and on what terms?—Industrious and sober emigrants can do easier, provided they are settled on a portion of the good land, of which there is abundance in the province. I have had servants, that I did not consider the best of labourers, realise good properties by settling afterwards themselves, with much greater difficulties to contend with than at present, in consequence of better roads now existing and better markets.

1851. What ought a settler to have in hand, to settle with good prospect of success?—I think 50*l.* would set an emigrant going very well.

1852. Could he after a few years make a return for any advance?—I think in five years he could.

1853. What amount could he pay in five years; and could he pay more in succeeding years?—A man with a farm of 100 acres could pay 10*l.* a-year after the fifth year.

1854. To do this, would a settler require to have any decided advantage as to market, or does it apply to any settler?—It applies to any settler.

1855. Are there any large tracts of the province capable of agricultural improvement on the above terms, but remaining in a wilderness state?—Yes; I have seen large portions of it.

1856. Do you consider it desirable to locate settlers in any number in the same place?—Yes; in settlements of from 20 to 30 families.

1857. What quantity of land ought a settler to possess in beginning?—I think 100 acres.

1858. How much of that would be arable land when the farm was made?—Probably one-half; the rest would remain in timber land.

1859. Have you known emigrants from Europe pass through the province?—Yes.

1860. What is the reason for doing so?—Their not having sufficient encouragement to settle here. The exports of timber are so great, that agriculture is neglected, and the want of roads is a check to emigration.

1861. Is there any difficulty in finding land to settle on with sufficient facility?—Yes; the emigrants are lost in the wilderness, having no person to direct them on their coming to settle on their lands in the interior of the country.

3.—III.

2 2

1862. Has

Evidence.

Venerable  
Archdeacon Coster.



## Evidence.

H. B. Reinford,  
Esq.

1862. Has there been much increase of agricultural population of late years?—The increase of fresh settlers has been slow.

1863. Is there a want of labour in the country?—Yes.

1864. What is the price of agricultural labour?—From 2s. to 3s. a month, and are fed by the employer.

1865. Are these the wages throughout the year?—I do not think the wages vary much any season of the year.

1866. Are there any complaints of the road system?—It is generally thought the contribution to roads ought to be paid in money; the poor man would be employed to do this work.

1867. Is there much injury felt by blocks of land being left in a wilderness state?—Yes, a great deal.

1868. Do you consider a tax on such lands would be advisable to cause them to be attended, to if such a tax was applied towards improvement in the country?—Yes, I do.

1869. What do you consider ought to be the amount of such tax?—I think 5s. on every hundred acres would not be too much.

1870. At what time were you appointed to the office you now hold?—In February 1836.

1871. Will you furnish me with an account of receipts in your office on account of land and timber sold since that period?—Yes, (See K.)

1872. Does this list include all sums received on account of the casual revenue, since the passing of the new act?—It does.

1873. This revenue is now paid to the province revenue in lieu of the Civil List Bill?—Yes.

1874. Is the amount received from land and timber exclusive of the expenses of collection?—It is not.

(K.)

## NEW BRUNSWICK.

ABSTRACT of MONIES received by the RECEIVER-GENERAL on account of the Casual Revenue, from his accession to Office to 30th September 1836.

Date.	Land.	Timber.	Mines and Minerals.	Other Sources.	Extraordinary Receipts.	TOTAL.
1837:	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
August -	464 15 9	87 3 9	- - -	- - -	131 16 6	683 16 -
September -	135 6 -	136 - 7½	- - -	89 12 6	742 9 7	1,103 8 8½
October -	203 - 4½	533 14 -	5 1 -	- - -	- - -	741 15 4½
November -	136 1 3	712 19 9	- - -	- - -	- - -	849 1 -
December -	178 6 10½	1,717 10 9	- 5 -	147 16 8	- - -	2,043 19 3½
1838:						
January -	247 3 7½	1,113 13 6	- - -	20 16 -	- - -	1,381 13 1½
February -	678 8 6½	1,133 10 -	- - -	- - -	- - -	1,811 18 6½
March -	589 6 7½	2,973 12 3	- - -	11 10 -	- - -	3,574 8 10½
April -	525 17 -	777 5 -	5 - -	1 7 6	1,481 10 11	2,791 - 5
May -	292 18 9	502 - -	5 - -	- - -	- - -	799 19 9
June -	225 13 7	547 14 6	- - -	210 8 4	- - -	983 16 5
July -	528 - 6	1,226 12 -	- - -	2 7 -	- - -	1,756 19 6
August -	316 - -	1,121 17 6	- - -	1 - -	- - -	1,438 17 6
September -	183 12 -	449 5 -	- - -	45 8 4	- - -	678 5 4
1836:	4,704 10 10½	13,032 19 7½	15 6 -	530 6 4	2,355 17 -	20,638 19 10
Mar. 31 -	- - -	- - -	- - -	- - -	- - -	5,693 10 -
June 30 -	- - -	- - -	- - -	- - -	- - -	23,772 14 1
Sept. 30 -	- - -	- - -	- - -	- - -	- - -	16,907 10 3
Dec. 31 -	- - -	- - -	- - -	- - -	- - -	4,340 17 -
1837:						
Mar. 31 -	- - -	- - -	- - -	- - -	- - -	14,805 3 10
June 30 -	- - -	- - -	- - -	- - -	- - -	11,605 - -
						£. 97,783 15 -

Thomas C. Lee,  
Rec. Genl.

1866. Have

The Honourable Thomas C. Lee, Receiver-general.

Evidence.

The Hon. T. C. Lee.

1875. HAVE you turned your attention to agricultural pursuits in the country?—Yes.  
1876. On what conditions do you consider an emigrant may settle in this province to support himself and family with comfort and benefit to the country?—He should have at least 50 acres of good land, from three to four of which should be cleared, a comfortable log-house erected, and a 12 months' stock of provision for himself and family. The emigrant should not arrive at a later period than the month of April.

1877. Suppose a man is put in possession of a good piece of land, what capital would he require to carry on his agricultural labours with fair prospect of success?—About 100*l*.

1878. In what time could such settlers begin to make any return, and to what amount?—I do not think any return could be expected until after the expiration of two years; at that time the settler might afford to make a return of from 1*s*. to 2*s*. per acre.

1879. It has been mentioned that the great detriment to improvement in new countries is the obtaining of lots of land by speculators with a view to future profit by the increased value of such lands; what in your opinion could be resorted to in order to remedy this evil?—I think this evil would be most effectually remedied by a land tax.

### PRINCE EDWARD ISLAND.

John Windsor Le Lacheur, Esq.

John Windsor Le Lacheur, Esq.

1880. HOW long have you resided in the island of Prince Edward Island?—Ever since May 1806.

1881. Can you describe the system originally pursued in granting land in that island?—The whole island was divided into 67 townships, containing about 20,000 acres each, the whole of which were granted in one day to different individuals, in lots of from a whole to a quarter township, subject to the payment of a quit rent of from 2*s*. to 6*s*. sterling per 100 acres, and to the obligation of settling the land granted, within 10 years from the date of the grant, with foreign Protestant settlers, in proportion of one person to every 200 acres.

1882. Are you aware if their conditions were fulfilled to any and to what extent?—They were not fulfilled in a single instance, nor does any attempt appear to have been made to fulfil them, as not one foreign Protestant was introduced by any of the grantees.

1883. Do you know what quantity of the land thus granted now remains in the hands of the original grantees, or their descendants?—I am not aware, but I believe there are not more than three of the present proprietors who have not acquired their land by purchase. The sums for which the land was disposed of by the original grantees was in most cases exceedingly small, not more in many cases than from 10*l*. to 40*l*. per township of 20,000 acres; some of the largest proprietors purchased at this rate.

1884. Have any steps been taken at any time to enforce the performance of the conditions upon which these grants were originally made?—In the year 1799, or thereabouts, the House of Assembly represented the evils which had been felt in consequence of the neglect of the proprietors to settle their grants according to the conditions imposed upon them, and prayed that a court of escheats might be established; this request appears, by a message from General Fanning the then Governor of the island to the House of Assembly, to have been favourably received by the Government at home; and in the year 1803 a bill for establishing a court of escheat passed the House of Assembly, and the legislative council, and received the assent of the Governor. It was however disallowed, by the Home Government, in consequence of representations from the proprietors, who being an united and influential body, residing for the most part in England, were able to obtain a reversal of the consent which had been previously given by the Home Government; at the same time the proceedings for the recovery of the quit rents which had been commenced by the public law officers of the place, and several of which had been prosecuted to judgment, were laid by in consequence of this; the House of Assembly in 1805 passed certain resolutions expressive of their feelings on the subject, and at the end of 1806, certain resolutions introduced a new bill for the same purpose. In 1818, during the administration of Governor Smith, a court of escheat was appointed, and two townships, No. 15 and 55, were forfeited. Immediately subsequent to this, however, the proprietors at home had sufficient influence with the Imperial Government to induce the ministers to issue a proclamation in the name of the Prince Regent, relinquishing all claims to forfeiture on account of any past violation of the conditions, and giving 10 years further for the settlement of the land, at the same time allowing the introduction of British subjects in the place of foreigners. I wish to state here, before proceeding to relate the subsequent steps in reference to these grants, that the proprietors succeeded by false representations, as to the conduct and intentions of Governor Smith, in inducing a majority of the population to petition for his removal, although the course he had pursued was, as appears to me, in all respects calculated to promote the true interests of the colony.

1885. Did the proprietors comply with the new conditions thus imposed upon them?—I believe in not an instance. In the year 1827, when the 10 years from 1816, granted by the proclamation, expired, there was not to my knowledge a single township on the island which contained the requisite number of settlers.

1886. Have any steps been taken subsequently to enforce the fulfilment of these conditions, or to forfeit the land for their non-fulfilment?—Every House of Assembly since that period has I believe made representations on the subject, though hitherto without effect. In 1832, an act "For encouraging the settlement and improvement of lands in this

## Evidence.

John Windsor Esq.  
Lecheur, Esq.

Island, and to regulate the proceedings of the Court of Escheats therein," was passed by the legislative council and received the assent of the House of Assembly and the Governor; it was, however, reserved by the former for the approval of the Home Government, and on its arrival in England the representations of the proprietors were again sufficiently powerful to overbear the united voice of the whole legislature of the province, and the act was accordingly disallowed.

1887. Do you know upon what grounds the disallowance was justified?—It appears by a despatch from Lord Goderich, dated the 1st August 1832, that the reasons assigned for refusing the consent of his Majesty to the bill are expressed in the following words: "That some proprietors have sent out more than the number of persons which would have settled their property in the prescribed proportions, but the persons have subsequently changed their residence to other lands; these proprietors would forfeit their grants under the mode of proceeding contemplated by the Assembly. Other proprietors, on the contrary, without making any effort for the fulfilment of the conditions unpaid on them, find their lands settled in the subscribed proportion by the spontaneous assent of independent emigrants." These proprietors escape under the proceedings contemplated by the Assembly.

1888. Have you any means of knowing to what extent this statement is true, so far as relates to the bringing out of settlers at the expense of any of the grantees?—I do not imagine that any proprietor has brought out at his own expense a sufficient number of settlers to settle his lands in the proportions prescribed by the original grant, nor in fact that there are any of the persons so alleged to have been brought out, who did not repay the cost of their passage in money or money's worth; I ground this opinion upon the uncontradicted statements to this effect which have appeared in the public papers of the island, and upon conversations which I have had with the majority of the persons alluded to; with regard to the statement that persons so brought out have left the land of the proprietor who conducted their emigration, I believe, that, in the case which I presume to have been particularly referred to by Lord Goderich, the emigrants only left the land upon which they were originally settled, when compelled to do so by the extreme of want, and when they found that none of the representations on the faith of which they had been induced to emigrate would be fulfilled.

1889. Were there any natural disadvantages of soil or position in the lands upon which these settlers were placed, which might have had an influence in inducing them to leave it?—I have passed through the district in question, and believe that it is equal in natural advantages to other parts of the island; there is, however, a very great want of roads and bridges, and the settlers were therefore placed in disadvantageous circumstances, so far as regarded their means of communication with the more settled districts.

1890. Might not this have been one cause why the individuals in question should have left the lands upon which they were placed?—It is possible that it might be so, because, upon the lands of another proprietor, which are not superior in natural advantages, but more favourably placed as regards markets and roads, the majority of the settlers have remained.

1891. Of the settlers who, as you state, left the lands upon which they were located, did the majority settle upon the lands of other proprietors on the island, or what became of them?—The majority remained in the island, upon the lands of other proprietors; but many were discouraged by the tenure upon which alone they could obtain land, and being possessed of sufficient means for the purpose, emigrated to some other of the North American colonies, or to the States.

1892. But you suppose that in almost every instance the emigrants to Prince Edward Island, whether coming out under the auspices of a proprietor or not, defrayed the expense of their passage out of their own funds, or repaid it to the proprietor?—I have no doubt that such has been the fact.

1893. So that in your opinion the argument of Lord Goderich, founded upon the assumed expense incurred by individual proprietors for the purpose of settling their property according to the terms of the grant, is entirely devoid of foundation, in fact?—I believe so.

1894. Will you proceed with your account of the steps which have been taken with regard to those grants?—The same despatch of Lord Goderich contained the suggestion of a tax upon lands, as being useful, by compelling the proprietors of uncultivated lands either to improve them or to sell them at the price which they could bring in their present condition. Mr. Secretary Stanley also recommended a tax in the nature of a penal assessment upon non-cultivation, as being both "just and politic;" and Lord Glenelg recommended the same course, and enclosed a copy of the act of the Upper Canada legislature for the same purpose, as a guide to the legislative assembly of our province in framing their act. The assembly, however, continued to view this as an inadequate and unsatisfactory remedy for the evils complained of; and in 1835, they passed an address praying for the establishment of a court of escheat; which address, however, Sir William Antus Young, the then Governor, neglected to forward to England. This neglect was only discovered after his death, when upon the House of Assembly inquiring whether there was any and what reply, they were informed that the address still remained in the government house. It was, however, forwarded by Mr. President Wright, together with another address, also praying for the establishment of a court of escheat, which it was decided by a majority of one in the House of Assembly should be substituted for it. Both addresses were, however, forwarded; but Lord Glenelg, in his reply, positively refused to sanction the establishment of any court of escheat. The assembly, upon the receipt of this, seeing the hopelessness for the present of attempting to obtain the only measure which, as they considered, was adequate to remedy the evils complained of, passed an act imposing a tax of 4s. per 100 acres, or less than a half-penny an acre upon all wild lands. This act was reserved by the Governor for the decision of the Home Government; and though it had been recommended by three secretaries for the

the colonies, and by Lord Glenelg himself, the royal assent has as yet been withheld, upon the representation of the absentee proprietors.

1895. You have stated that the grants were made subject to a quit rent of from 2s. to 6s. per 100 acres; have these quit rents been regularly paid?—Not in any instance at that rate.

1896. What do you mean by this answer?—In the year 1816, the quit rents were generally very greatly in arrear, and the proprietors succeeded in inducing the Home Government to abandon all claim for arrears, and to make the quit rents uniform at 2s. per 100 acres.

1897. Have they been paid regularly since that time?—I believe that they have been.

1898. What is the extent of Prince Edward Island?—It comprises rather more than 1,300,000 acres of land.

1899. Of this amount how much is under cultivation?—I find by the census of 1899, that there were 89,757 acres of improved land, and it is probable that at the present time there may be 100,000 acres under cultivation.

1900. That is less than a thirtieth of the granted land?—Yes, and this though 30 years have elapsed since the date of the grant.

1901. What is the present population of the island?—About 40,000 souls.

1902. Is this population equally distributed over the townships?—No, the number of families varies from about 10 to upwards of 200 in the different townships; there are only two townships with the larger number; the majority run from 30 to 100.

1903. To what do you attribute the slow progress of settlement and cultivation in this island?—To the exorbitant terms demanded by the proprietors of land, which have deterred individuals from taking land, and have driven away many who had come to the island for the purpose of settlement.

*Robert Hodgson, Esq., Attorney-general for Prince Edward Island.*

1904. HOW long have you resided in Prince Edward Island?—I am a native of the island, and have resided there constantly since 1819.

1905. Has your attention been directed particularly to the state of landed property in Prince Edward Island, and the effect of the system under which the Crown lands have been disposed of to individuals?—It has.

1906. You have read that part of the evidence of Mr. Le Lacheur, given before this Commission, which relates to the history of the disposal of Crown lands, does that history appear to you to be correct?—Mainly so; any inaccuracies that it may contain are not of substantial importance.

1907. Will you be so good as to state to the Commission your views upon this subject?—I consider that the course adopted in the disposal of the Crown lands has been exceedingly injurious to the welfare of the colony generally; it has retarded its improvement. The effects of the system are illustrated by two returns, which I beg leave to put in, and from which it appears that in 1835, more than 60 years after the original grants of the whole of the island, which consists of 1,333,100 acres, only 432,225 acres were occupied. I mean by occupation, in actual possession of some settlers, but not that the whole of the land was cultivated. The quantity occupied, therefore, was only about one-third of the whole. About 90,000 acres, or about one-fourteenth of the whole, were under cultivation. No very material alteration has taken place since that time, although the system of husbandry upon the land thus cultivated has been improved. I attribute this want of advancement in the colonization of the island chiefly to the disinclination evinced by a number of the proprietors to grant long leases to tenants, which is a technical term in the island, meaning leases for 999 years. Several of the proprietors retain their tenants as tenants at will, and others refuse to grant leases of wilderness land for a longer period than 40 years. There can be no question but that the settlement of the island has been retarded of late years by the agitation of the escheat question, whereby all titles to property are rendered to a certain degree insecure, by the uncertainty which hangs over the subject, and by which the investment of capital is greatly discouraged.

1908. But for this uncertainty of title would there be a considerable demand for new land?—I think there would.

1909. Is the difficulty of obtaining land upon remunerating terms much complained of by the settlers?—It is, especially by those who tenant at will, and by those who can only obtain leases of wild land for 40 years.

1910. Does the existence of much wilderness land, the property of individuals, operate injuriously upon the prosperity of the colony, independently of the difficulty complained of as to obtaining a satisfactory property in new land?—It does; the roads that have been made throughout the colony have been so made at the expense of the province without any contribution from the proprietors of wild lands, through whose property these roads pass, and which have materially tended to increase the value of their property. I should qualify this by saying, that within the last four years the legislature have passed an act compelling the proprietors to contribute to new roads made through their wilderness lands.

1911. Are the proprietors generally resident in the island, or absentees?—Generally absentees, residing for the most part in Great Britain, who have at all times derived very little advantage from the possession of the property, and still less of late years, in consequence of the agitation of the escheat question, which has induced the tenantry on some properties to withhold the payment of rent.

1912. I perceive that the absentees generally take very little interest in the state of their property?—They have very little, hitherto; but I should state, that in a pamphlet recently published by Mr. Young, of Halifax, the agent of several of the proprietors in conducting their opposition to the proposed court of escheat and land assessment bill, they have promised to grant leases for 60 years, with a clause allowing the tenant to purchase at

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20 years'

Evidence.

*John Windsor Le Lacheur, Esq.*

*R. Hodgson, Esq.*

## Evidence.

R. Hodgson, Esq.

20 years' purchase, and if he should not avail himself of the right given by this clause, that then, at the expiration of the lease, the improvements he may have made should be taken at a valuation.

1913. They have not taken any steps to settle their properties according to the terms of the grant?—With two or three exceptions, they have not; the resident population at the present time consists of persons who have found their way there from the adjoining colonies, or who have been induced to emigrate by speculators who have taken up ships to the island in view of making a profit by their passage-money.

1914. To what extent do you imagine that a tax upon all wild lands would operate as a remedy for the evils to which you have adverted; a tax, that is, which should be in the nature of a fine for the abatement of a nuisance, and which, at the same time, should be employed in the general improvement of the island?—I am of opinion, that a tax of that nature would be the best thing that could be devised to induce the proprietors to settle or dispose of their lands; and an act imposing such a tax was passed, in 1837, by the legislature of the province, and is now waiting the assent of Her Majesty; the act imposes a tax of 2s. currency per 100 acres upon leased or occupied land, and of 4s. per 100 acres upon wilderness or unoccupied land, and defines what description of land shall be considered as coming within the minimum tax, and what shall be subject to the greater; it authorizes a proceeding to judgment against lands in arrear, and their sale to pay the amount of the tax and the expenses; an act has been in force for the last five years, imposing a tax of 2s. per 100 acres upon all lands in the colony; that act was, however, a boon to the proprietors, as it relieved them from the payment of the quit rent to the Crown, which was 2s. sterling, or nearly 3s. currency per 100 acres; I beg leave to hand in a return of the number of acres in respect of which the tax was in arrear, and the quantity of land sold to defray the arrearages, with the price at which they were sold.

1915. Is the tax of 4s. per 100 acres, to be imposed by the act of the provincial legislature of 1837, in your opinion, sufficient for the purpose it is designed to accomplish?—It is certainly not too high, and if any thing, it is too low; it might be insufficient to induce the proprietor to do any thing effectual to settle his land.

1916. Was it designed that the produce of this tax of 4s. should be applied to the improvement of the country?—It was to be paid into the general revenue, and was to be at the disposal of the legislature.

1917. But, if the produce of a tax upon wilderness land were specially applied to the improvement of the country, by making roads, bridges, and such other works as have a tendency to increase the value of land, a much higher tax might be imposed, without any injustice to the proprietors?—Undoubtedly so.

1918. While, at the same time, it would operate upon them to take some effectual measures to settle their land in proportion to its amount?—Yes.

1919. Has any other method occurred to you by which you imagine the mischiefs arising from the profuse method of granting Crown lands in this island might be remedied?—A purchase by the government from the proprietors of the whole of their land, supposing that such a purchase could be effected upon reasonable terms; supposing such an arrangement could be made, the sums advanced by Government would speedily be refunded with interest, by the adoption of a system of sale.

Sir C. Fitzroy.

His Excellency Sir Charles Fitzroy, Governor of Prince Edward Island.

1920. YOUR Excellency has read the evidence by Mr. Le Lecheur, as to the mode pursued in granting wild lands, in the island of Prince Edward; is it substantially correct?—I believe so.

1921. Your Excellency addressed a letter soon after your assumption of the government of Prince Edward Island to the absentee proprietors of land; would you have any objection to favour us with a copy?—Not in the least.

1922. Have the opinions which you expressed in that letter been confirmed by your longer residence in the island?—They have.

1923. As a remedy for the evils arising from the condition of property in the island, a general tax upon wild land in the nature of a fine for the abatement of a nuisance has been suggested; what is your Excellency's opinion upon the probable operation of such a tax?—If it were in the nature of a penal tax, it would have the effect of inducing the proprietors to settle their lands or to dispose of them on moderate terms.

1924. You mean, by a penal tax, a tax which would only press upon the absentee proprietors, which is not the case with the present tax?—It has not hitherto been the case.

1925. Do you conceive therefore that such a tax should be higher than any hitherto imposed?—I think that the tax of 4s. per 100 acres, which was imposed before I came to the colony, is not sufficient; the object of the wilderness tax, imposed by an act yet waiting the royal assent, is to raise funds for the erection of certain public buildings which are much wanted; if the tax was employed in such works as have a tendency to give an additional value to land, the proprietors would naturally be enabled to bear a higher tax.

1926. Has any other method occurred to you of remedying the particular evils in the island now in question?—The only other remedy that has occurred to me is an endeavour to persuade the proprietors to concede their lands upon the terms now demanded by the more liberal proprietors, the same that I recommended in the circular of which you have a copy.

Joseph Sydney Deely, Esq., Agent to Sir J. Montgomery &amp; Brothers.

J. S. Deely, Esq.

1927. HAVE you been long a resident in the island?—Since June 1833, with a short absence once or twice.

1928. What



Evidence.

J. S. Deely, Esq.

1928. What quantity of land have you charge of?—I have charge of three townships and two small islands.

1929. What progress has taken place as to settlement of the above lands of late years?—In May 1833, I took charge of the above property; the tenants were then in great arrears of rent; many of the farms and houses were in a ruinous state; this state of things was caused from the fear of the tenants, on account of their arrears, and fearful of being deprived of their improvements; I made an arrangement with all parties so as to place them on easy terms, and the property is now one of the most flourishing in the island; almost all the farmers have built new houses, particularly on lots 51 and 34.

1930. Do these farms now pay a fair rent?—They pay a rent of 1s. sterling per acre, with great regularity and without any complaint. They are all thriving tenants.

1931. To what do you attribute this change?—To a better understanding with the proprietors, and they having their leases for 999 years; and there is particularly a feeling of contentment and a desire to improve in lot 34, where there is an understanding that the land may be purchased with the improvements of the tenant at 20 years' purchase. In that lot there are only 200 acres remaining unsettled; there are 245 tenants on this lot having leased farms, and there are 19 purchasers settled on it.

1932. Since you took possession of the above three lots in 1833, how many settlers have come upon them?—Ninety-six new tenants.

1933. What are the terms as to rent on which tenants are admitted on the above property?—First three years free of rent; fourth year, 6d. per acre; fifth year, 9d.; sixth year, 1s.; and the same to end of term.

1934. Have the tenants in all cases been able to act up to the above terms?—Generally; there are a few exceptions, probably in consequence of sickness or bad season.

1935. What quantity of land do you give in the first instance to settlers?—One hundred acres is the general thing, but I recommend them to take 50 acres at first, and I reserve the other 50 for them.

1936. In case of settlers coming to the island, what sum of money should they have as an outlay to build houses and to procure the necessary stock, &c. &c.?—A man ought to have 25*l.* or 30*l.*

1937. In cases where settlers have not this money, what agreement is made to enable them to get on?—He must have a cow, and he ought to have a horse; 25*l.* would be necessary; men who go to work without this capital, are under great difficulties and cannot pay rent for many years.

1938. What taxes are lands liable to at present?—Only 2s. currency per 100 acres, which is a tax put on in 1823 in lieu of quit rents; this tax is regularly paid.

1939. Does this tax extend the same to cultivated and uncultivated lands?—Yes, they all pay the same.

1940. I find by a return before me of the number of acres occupied in the island in 1833, there is a variation of many thousand acres, in some cases as much as 18,000 of cultivation in one lot and another; how do you account for this?—In most cases it arises from the want of liberal terms on the part of proprietors, and in a few cases from the nature of the soil, and sometimes also from want of proper communication.

1941. What are the objectionable terms on the part of proprietors alluded to?—Short leases principally.

1942. Do settlers generally object to become tenants at will?—I do not think any settler would become a tenant at will.

1943. Is there much soil on the island that could not be brought under cultivation?—There is a portion in each township.

1944. Is that land altogether without value?—I should say not; small portions of it are not worth anything, but much of it would be brought into cultivation when the country is further advanced in improvement.

1945. How are the roads managed as to the expense of making and repairing them?—They are made and maintained by statute labour, with an occasional grant from the legislature.

1946. What labour is required by law?—Three days from each tenant, without reference to his extent of farm; new roads are made in the first instance by an assessment on the lands through which they pass.

1947. Is this mode of road-making approved of amongst the tenantry, and does it meet the object desired?—It is not a desirable system; not half a day's work is done, and the roads are not equally made throughout.

1948. You are aware that there has been a proposal by the legislature to levy a tax of 4s. on wild lands; what do you think would be the operation of that tax?—It would greatly benefit this island; it would force the proprietors to bring the lands forward for sale or settlement, and it would benefit the whole country.

1949. If this tax was appropriated to benefit the island in advancing improvement and emigration, is 4s. above mentioned as much as would be desirable to impose on wild lands?—I think it would be fair and not too much; I think there ought to be a difference made in the properties, as they have a large or small portion cultivated, that seems to be the only objection.

1950. What class of settlers have you found to succeed best?—I have found the Yorkshire, Suffolk and Lowland of Scotland settlers the best; the Highlanders and north of Ireland settlers do not get on so well; different countrymen ought to be put in separate parties, and settlers ought not to be put alone.

1951. Have you any remark to make as to the present mode of locating the tenant?—

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## Evidence.

J. S. Deely, Esq.

The present form of a farm is 10 chains front by 100 back; this is most inconvenient, by giving additional labour; a farm ought to be as near square as possible; I give, if possible, 20 chains front by 60 depth.

1955. Is there a want of labour in the country at present?—Yes, farm servants are much required in the country; there are very few in the country; they are receiving 8s. per day and their keep, or 4s. and find themselves.

1956. Does this rate of wages apply to all the year?—There is a difference of about 1s. in winter; but labour is at all times scarce.

1957. What number of farms are leased and sold on the different lots in your charge?—There are 245 leased on lot 34, and 19 sold; 19 leased on 51, and 45 sold; 31 leased on 59, and 11 sold.

1958. What is the state of the surveys on the island?—The surveys of townships are recently put at rest by re-survey, under the orders of the Governor and Council; the surveys of lots are done, in most cases, at the expense of tenants.

1959. Are the surveys of lots found to be accurate, and such as to enable transfer and sale of property to be made with sufficient confidence?—In many cases, they are not; there is a great deal of litigation at present, on account of boundary lines.

1960. Does this uncertainty as to surveys check the advancement of settlers?—It causes a good deal of litigation, and many have paid half-a-dozen surveyors; it calls much for attention.

1961. Can you state what progress there has been in emigration of late years?—It has been very trifling, arising, I think, from the agitated state of things here, chiefly the escheat question.

1962. Have any emigrants, of late years, come to the island with intention of settling, who have subsequently proceeded to other places to locate themselves?—Yes, a few have.

1963. Has there been any rise in the price of wild lands since your residence on the island?—There has been some rise in the wild land; near the town, they have nearly doubled in value in the last 15 years.

1964. What would be the price of about 100 to 200 acres of wild land, good quality, and well situated?—Not less than 15s. sterling per acre; 5,000 acres were offered lately for 12s. 6d. sterling.

1965. Are there any points that have not been referred to, and occur to you as requiring attention, in reference to the future settlement of the island?—There is great difficulty and dispute as to fisheries, which is very injurious to the settlement of any farm and the prosperity of the country.

George Wright, Esq., Surveyor-general.

George Wright, Esq.

1966. How long have you resided in Prince Edward Island?—I am a native of the island, and have been very little absent from it.

1967. How long have you been surveyor-general of the province?—About 16 years.

1968. Will you state what quantity of land is now in possession of the Crown, and how the remaining portions of land in the island have been disposed of?—This return (C.) will show there are only 7,100 acres of township lands now in possession of the Crown. There are several parcels of ground that may revert to the Crown, at present held by licences of occupation (perhaps 1,000 acres); there are also 900 town and pasture lots, varying from a quarter of an acre to 12 acres; the extent and upset price of each is in the return; the remaining part of the island was given on certain conditions in lots of 20,000 acres.

1969. What quantity of land capable of cultivation is the whole island said to contain?—The island contains about 1,365,000 acres divided into three counties (see Plan), of which perhaps there are not more than 10,000 acres incapable of cultivation.

1970. Has there lately been a sale of Crown lands?—Some town lots were sold in July last; no Crown township lands except glebe lands have been sold at any time. Prior to the last four or five years settlers have been permitted to occupy the Crown lands under license of occupation, on condition of their obtaining grants on the fulfilment of certain terms.

1971. What are the terms alluded to?—On town lots, to build a dwelling-house of certain dimensions; on pasture lots, clearing and fencing three acres; on township lots, they obtained a grant of land on forming a settlement; this system has ceased since four or five years.

1972. Was much land occupied on the terms specified?—A great deal, particularly town and pasture lots; the township lots were almost entirely settled.

1973. Were the terms in all cases conformed with?—Latterly they were; formerly they obtained grants without licenses of occupation, and many of them have not fulfilled their conditions.

1974. Have any steps been taken in reference to those parties?—None whatever.

1975. Do most of the original proprietors possess the grants?—Very few, and they have many of them changed hands several times.

1976. Were the terms on which the original grants made complied with?—I believe in no instance; it was found impossible strictly to comply with the terms, which require that the land should be occupied by foreign Protestants.

1977. Have those lands in your opinion progressed in improvement and settlement, as they might have been expected to do, considering the advantages held out by the fertility of the soil of the island?—No, I do not think they have.

1978. What do you consider has been the check to this improvement?—In many instances to the neglect of proprietors, many of whom have not been represented by agents with sufficient power to execute deeds or leases, and whose terms were not sufficiently liberal.

1979. Has there hitherto been a tax on unsettled lands on the island?—There has been

an assessment of 2s. on 100 acres of all lands; that bill has expired this year, and in lieu of it, a bill has passed the legislature here, imposing a tax of 4s. on wilderness lands, and 2s. on other lands. The assent to this bill was reserved for sanction at home.

1977. In your opinion, is this the best method of inducing proprietors to settle the unsettled lands, or do you think that a larger tax than 4s. would be advisable for the benefit of the country, if the whole of such money were appropriated to improvement and emigration?—A higher tax would further benefit the country, but I think this tax would be fair at present.

1978. Do some of the proprietors hold their lands with reference to future benefit without any regard to present improvement?—A few no doubt do so.

1979. Was there not a quit-rent formerly, and up to what time did the quit-rent continue?—There was a quit-rent of 2s. 6 d. sterling, latterly it was 2s.; and it was altogether discontinued on the establishment of the late acts levying 2s. per 100 acres.

1980. Was the quit-rent regularly paid?—A considerable sum was paid by some of the proprietors. It was never paid by others.

1981. How are the boundary lines of counties and surveys generally laid down?—The surveys have not been completed; a great confusion has existed for want of proper boundary lines. A bill was passed in 1834, which has partially removed the division between townships, but many of the lots remain unsettled. Proprietors now generally fix posts, and give the tenants the lot they mark off.

1982. Are the roads generally good through the island, and will you be kind enough to state how they are provided for?—They are sufficiently good for agricultural purposes, and are kept in repair principally by statute labour. Sometimes a vote is given towards making new roads.

1983. Could a better mode than this be adopted?—In my opinion, a tax or assessment in money would be the preferable way. The present system does not seem to answer.

1984. What has been the amount of sales of Crown lands, timber, &c. during the years you have disposed of them?—There is nothing to be sold but lands in the island. On sales the receipts have been—

	£.	s.	d.
In 1834	265	—	—
1835	no sale.		
1836	78	6	—
1837	541	—	—
1838	406	2	6
	£. 1,275	7	6

1985. How has this money been disposed of?—It is received by the treasurer of the province, and none of it has been disposed of as yet, except probably, 160*l.*, which has been expended for surveys.

1986. Can you furnish a map or plan of the island, by way of a guide to the lands and lots alluded to?—I have not one at present, but will prepare and finish one at an early period.

1987. Can you give any accounts of the progressive rise in value of wild lands in the island?—I am of opinion that wild lands have increased in value double the amount within the last 20 years.

1988. Has there been any rise in the last five years?—There has been some rise, but not a very material one.

Thomas Haviland, Esq., Treasurer of the Province.

1989. HOW long have you resided in Prince Edward Island?—Twenty-one years and upwards. T. Haviland, Esq.

1990. During your residence in the island, have you given attention to the advancement of emigration?—I have.

1991. Has it been on a successful and large scale?—No.

1992. What are the causes, in your opinion, of its want of success?—The tenure on which the settler has been able to obtain lands; in cases where terms have been liberal, and the emigrant industrious, they have never failed to prove advantageous to the emigrant and to the proprietors.

1993. What do you consider liberal terms?—The emigrant should have his location for the first three years free of all rents; the fourth year at 3*d.* per annum per acre; the fifth year 6*d.*; sixth year 9*d.*, and the seventh and remainder of 999 years at 1*s.* per acre, with the privilege of purchasing at any time at 20 years' purchase; these are what I would call liberal terms, and are attended with equal advantage to proprietor and tenant.

1994. Have those terms been acted upon in any cases, and if so, in what cases to your knowledge?—Sir James Montgomery & Brothers, proprietors of several townships, are the only persons who act up to the system, and to its full extent, that I am aware of; and I beg to evidence, in favour of the system, in Township, No. 34, not more than 500 acres of 20,000 are unoccupied; and in others owned by the same proprietors, and granted on the terms, settlements are rapidly increasing; there are other proprietors who give long leases, but not all the advantages granted by Sir J. Montgomery; these properties also evince considerable improvements, viz. Lord Selkirk, Lord Westmoreland, the heirs of John Cambridge, Esq., and the Rev. J. Macdonell.

1995. What success has attended the settlement of property, where leases have been granted at will, or for a short term of years?—The settlements on such properties are very few; and the settlers themselves, in general, are extremely poor and discontented, from having little or no perspective interest in the soil they redeem and cultivate. They have no energy

Evidence.  
T. Hawland, Esq.

energy to clear more land than for their present and immediate support. They can be distinguished by their wretchedness and want of comfort and improvement.

1996. Does a large proportion of this island still remain unsettled?—Yes; probably from three-fourths to four-fifths is unsettled.

1997. In your opinion, what would be the best means to resort to, to promote emigration, and to forward the country that remains in a wilderness state?—The terms already mentioned; and in cases where the emigrant is poor, instructions should be given to the resident agent to supply them the means of subsistence for the first year. On those terms there might be from 2,000 to 3,000 persons annually located.

1998. Does there appear to you to be sufficient exertion, on the part of proprietors, to promote the interest of the island, to forward emigration; or do the proprietors hold land only with reference to a future benefit?—There is very little individual exertion on the part of any proprietor to encourage emigration; while others appear to hold their property with the sole view of future benefit, by its advancing in value by the labour and exertions of others.

1999. Does it appear to you there might be a remedy for the above, and if so, what would you recommend?—I know of but one remedy in the present state of things, which would be a tax, by way of a penal tax, upon wilderness lands, and thus compel the proprietor to locate them himself, or to dispose of them to others who would do so.

2000. In case the above remedy was resorted to, what amount of tax per 100 acres would, in your opinion, be best to be established?—Four shillings per 100 acres on all wilderness lands, and half the amount on cultivated lands; a higher tax has been suggested by some of the resident colonists, but, in my opinion, the above rate would meet the object.

2001. If such tax were expended only for the local improvements in the island, and to promote emigration, is it, in your opinion, more than would be just to proprietors?—Certainly not; at present they are liable to more than half that sum by the tenure of their grants, and which is wholly at the disposal of the Crown for any purpose they may choose.

2002. What would be the probable amount of this tax above proposed?—About 2,200 *l*.

2003. Would you propose any tax on town and pasture lots?—Yes, at the rate of 12 *s*. per acre on town lots not cultivated, and 6 *s*. on those inhabited or in cultivation, and 4 *d*. per acre on pasture lots in a wilderness state, and 2 *d*. per acre on pasture lots in cultivation.

2004. What additional revenue would be produced by the tax, on the last-mentioned properties?—About 400 *l*., deducting the expenses of collection; the nett produce of the whole would be about 2,400 *l*.

2005. Am I right in supposing you have charge of some estate in the island?—Yes, I am agent for two proprietors, Sir J. F. Seymour and another.

2006. Have you observed sufficiently on the character and qualities of the different kinds of settlers who have come to the country, to be able to state who are, in your opinion, the best class of men as emigrants?—Decidedly the best emigrants are from the lowlands of Scotland and from Yorkshire; they combine a better degree of industry, and a more improved system of farming than any other class of emigrants; latterly there has been a considerable emigration from Suffolk, who are also an industrious class of people: the latter were mostly paupers, sent out by subscription, and have made themselves comparatively independent in the course of five or six years.

2007. Upon what properties have these settlers been located?—Mostly on the property of Lord Westmoreland and Sir J. Montgomery & Brothers, and on others, where liberal terms were given.

2008. Do you know the price at which wild lands sell at present, say in lots from 100 to 500 acres?—From 10 *s*. to 20 *s*. per acre, according to the position and quality.

2009. Is 10 *s*. the minimum price of any lot of land sold as above?—Yes, 10 *s*. is the minimum price of land capable of cultivation; but there is land that has no value.

2010. Is there much in the island of little or no value?—No great quantity, altogether 10,000 to 20,000 acres.

2011. Is this land in large blocks?—Most in large blocks of 3,000 to 5,000 acres.

2012. Would you propose, on such lands, to remit the tax, or what part of it?—In some cases the whole, or as the land might have some value.

2013. Has any sum been received by you, as treasurer of the province, on account of Crown lands or Crown property?—Yes, I have received about 800 *l*. currency; there will be a further sum of probably 400 *l*. or 500 *l*. more this year.

2014. How has this money been disposed of?—About 100 *l*. has been paid to cover the expense of surveys; the balance is now in my hands; during the last session the House of Assembly addressed the Secretary of State for the Colonies, for leave to appropriate the balance towards the erection of a house of industry; the application was forwarded by the Colonial-office to the Treasury, and the Treasury were pleased to accede to the application, and have asked to be furnished with plans and estimates, which desire will be laid before the House of Assembly next sessions.

2015. What is expected to be the amount for the above purpose?—From 1,500 *l*. to 2,000 *l*. currency; the House of Assembly will pay up the balance.

John Lawson, Esq., Solicitor-general.

John Lawson, Esq.

2016. HAVE you been residing long in Prince Edward Island?—Fourteen years.

2017. During that time, has the island advanced in general improvement equal to what might be expected from its capabilities?—Decidedly not.

2018. What, in your opinion, causes the check to improvement?—First, the want of population; and in a country where the revenue is solely raised by imposts on articles imported

Evidence.

John Lawson, Esq.

imported into the country, the revenue is consequently small; to instance which, the government-house and court-house were built by taxes on land.

2019. What has hitherto checked emigration in proportion to other of the British American colonies?—The high price of land; the upset price of land in other countries being far less than here; for instance, in Nova Scotia, the upset price of lands varies from 2s. to 8s. per acre; here it is almost invariably at 20s.

2020. In your opinion, is there any defect as to the tenure on which lands are now let in the island?—The system of leaseholding is radically bad, in proof of which, the leaseholders are almost invariably poor, and, on the contrary, the freeholders are in good circumstances, and some of them affluent; a leaseholder's farm may be almost invariably known by the negligence of its culture.

2021. Will you state the tenure of the leaseholders you now allude to?—Leases from 999 to 40 years.

2022. Does the mischief mentioned by you, as caused by leasehold tenure, apply equally to the 40 as to 999 years?—Not so much in cases of the long leases, provided they have a considerate landlord or agent; but, in both cases, it presses equally hard for the first five years.

2023. What, in your opinion, would be the proper term to grant, as most beneficial for all parties?—Five years, free of rent altogether; then 3d. for the next year, then 6d., then 9d., then 1s. per year for the remainder of 999 years, with, in all cases, liberty to buy at 20 years' purchase.

2024. Has much exertion been made to settle the wild lands in the island?—Not of late years; Chief Baron Montgomery and Lord Selkirk took a good deal of pains; the consequences are, their townships are the most flourishing and populous in the island.

2025. In your opinion, do the proprietors hold their lands principally with a view to present improvement, or to future benefit?—Some of them disregard present improvements, and look to the accumulated value of the land from the settlement of others.

2026. What remedy would you suggest for the evil?—The only remedy is to tax wilderness lands, and at a rate high enough to compel the proprietors to settle them.

2027. What do you think ought to be the tax in such cases, provided the tax so laid was applied to emigration, and the general advancement and improvement of the country?—At least 10s. per 100 acres on wilderness lands; I would not tax cultivated lands at all; I would give the proprietor, in the first instance, a fair time; and if half the township was settled in a limited time, the tax should not be applied to that property.

2028. Are you not in charge of some properties in the island?—Yes, about 50,000 acres.

2029. Have you particularly observed as to one class of settlers being more successful than another?—Generally speaking, the English and the natives and the Lowland Scotch make good settlers.

2030. Can you inform me if there is a probability of some better encouragement being afforded to settlers?—Some of the proprietors, through Mr. Young, their agent, have expressed their intention of leasing and selling land upon more favourable terms than heretofore has been granted, which, if adhered to, will go far to remedy many of the evils that have hitherto existed.

2031. Can you state the terms proposed by Mr. Young?—To sell the land from 6s. 3d., Halifax currency, to 20s. per acre; leases for 61 years certain, or for three lives, or for 99 years; at the first and second year, no rent; third year, 3d. per acre; fourth year, 6d., 5th year, 9d., and succeeding years 1s. per acre per year, and what I consider of most consequence is the right of purchasing upon the terms before mentioned, viz. 6s. 3d. to 20s. an acre, according to situation.

2032. In your opinion, would those terms hold out such prospects of success to settlers as would encourage a succession of emigration?—I think they would, provided the rent did not commence until the fifth year.

2033. Are you aware of the number of proprietors who have proposed those terms through Mr. Young?—There are 13 who have.

G. R. Goodman, Esq., Collector of the Customs.

2034. HAVE you resided long in this province?—Constantly since 1819.

2035. From your knowledge of the colony, its productions, &c. &c. has it capabilities of supplying beyond the demands of the inhabitants?—Very great capability beyond the demand of the colonists; I should say there is, to the amount, on an average, of 40,000l. sterling value of agricultural produce exported.

2036. Does this apply to cattle as well as to grain?—It includes both.

2037. With the facilities and encouragement offered by the soil for settling and emigrating, what, in your opinion, has prevented a further increase in improvement and population?—The Government has not the power sufficiently to influence proprietors, who hold the island in large grants; many of the proprietors have not, till this time, given their agents any power to settle the lands on terms that would induce settlers to emigrate to the country.

2039. Are there any means that are likely, in your opinion, to remedy the above evil?—Such a tax on wilderness or cultivated lands, would oblige the proprietors to settle or dispose of them.

G. R. Goodman, Esq.



## No. 1.

STATEMENT of the QUANTITY of LANDS Surveyed in each District of Lower Canada, from the Establishment of the Surveyor-general's Office, up to the 10th July 1838.

District of Montreal.	District of Three Rivers.	District of Quebec.	District of Gaspé.	TOTAL.
2,286,750	2,098,908	1,383,686	400,640	Acres. 6,169,983 exclusive of the allowance of 5 per cent. for high-ways.

Jos. Bouchette,

Surveyor-general's Office, Quebec, 10 July 1838.

H. M. Survey-general, L. C.

Note.—The present Total is exclusive of the Tract or Block of Land set off for the British American Land Company in the County of Sherbrook, District of Three Rivers, containing 585,089 acres.

## No. 2.

RETURN of CROWN LANDS granted in each year, from the 31st December 1823, to the 31st December 1837, inclusive.

1.	2.	3.	4.	5.	6.	7.	8.	
Year.	Number of Acres granted to Leaders and Associates.	Number of Acres granted to Members of Legislative and Executive Councils.	Number of Acres granted to Officers of the British Army.	Number of Acres granted to Discharged Soldiers and Pensioners.	Number of Acres granted to Militia Claimants.	Number of Acres granted to Squatters.	Number of Acres granted, not coming within any of previous Descriptions.	Total Number of Acres granted.
1824	1,457,809 acres granted to Leaders and Associates, from 1795 to 1809, inclusive.	-	4,100	nil.	51,810	-	34,159	-
1825		-	1,000	nil.	39,620	-	16,974	-
1826		-	nil.	5,500	3,595	-	48,224	-
1827		-	800	6,300	7,640	-	38,374	-
1828		-	4,504	nil.	7,300	-	9,036	-
1829		-	nil.	nil.	3,900	-	5,282	-
1830		-	2,000	nil.	81,425	-	10,670	-
1831		-	3,408	8,973	9,400	-	9,900	-
1832		-	4,000	19,000	10,116	-	4,000	-
1833		-	1,200	28,500	5,900	-	nil.	-
1834		-	nil.	2,500	2,500	-	4,324	-
1835		-	nil.	19,164	3,004	-	nil.	-
1836		-	nil.	4,704	100	-	nil.	-
1837		-	nil.	7,728	nil.	-	nil.	-
1823-1837	1,457,809	-	21,012	88,669	217,840	-	181,003	-

## No. 3.

RETURN of CROWN LANDS granted to LEADERS of TOWNSHIPS and their ASSOCIATES, from 1796 to 1808.

Year.	Townships.	Leaders' Names.	Number of Acres.	Year.	Townships.	Leaders' Names.	Number of Acres.
			A.				A.
1796	Dunham	Hon. Thomas Dunn	40,825	1803	Brompton	W. Barnard	40,753
1797	Brome	Asa Porter	41,738	"	Clinton	J. F. Holland	11,550
"	Bolton	Nicholas Austin	69,691	"	Compton	J. Pennoyer and N. Coffin	26,460
1798	Farnham	Samuel Gale	23,000	"	Ditton	M. H. Yeomans	11,550
1799	Dorset	J. Black	53,000	"	Hatley	H. Cull and E. Hovey	23,493
1800	Broughton	H. Junken and W. Hall	23,100	"	Kildare	P. P. M. de la Valtrie	11,486
"	Stanstead	Isaac Ogden	27,730	"	Kingsey	George Longmore	11,478
"	Elton	J. Sawyers	25,680	"	Potton	Henry Ruiter	27,580
"	Upton	D. A. Grant	25,300	"	Shipton	E. Cushing and W. Barnard	58,692
"	Grantham	W. Grant	27,000	"	Dudswell	John Bishop	11,632
"	Hunterstown	John Jones	24,620	"	Buckingham	Fortune and Hawley	14,910
"	Stukely	Samuel Willard	23,625	1804	Tingwick	S. F. Ferguson	23,730
"	Stanbridge	Hugh Finlay	41,790	"	Wesbury	Henry Caldwell	12,262
"	Stoneham	K. Chandler	24,000	"	Warwick	A. Steel	23,940
"	Tewkesbury	G. Wulfsand D. Letourneau	24,000	1805	Newton	M. Gaspard	12,961
1801	Barnston	R. Lester and R. Morrough	23,100	"	Onslow	J. Richardson	1,073
"	Ireland	Joseph Frohisher	11,550	"	Melbourne	H. Caldwell	26,153
"	Leeds	Isaac Todd	11,760	"	Kingsey	Major Holland's family	11,198
"	Sheffield	John Savage	35,490	1806	Auckland	Elizabeth Gould	23,100
"	Orford	Luke Knowlton	13,600	"	Frampton	P. E. Desbarats	11,569
1802	Arthabaska	John Gregory	11,550	"	Hereford	J. Rankin	20,800
"	Barford	J. W. Clarke	27,740	"	Hull	P. Wright	12,701
"	Chester	B. M' Taviah	11,550	"	Acton	G. W. Allsopp	24,004
"	Durham	T. Scott	21,991	"	- ditto	Gother Mann	22,859
"	Ely	Amos Lay, jun.	11,550	1807	Lingwick	W. Vondervelden	13,650
"	Halifax	B. Jobert	11,550	"	Lochaber	A. McMillan	12,261
"	Inverness	W. M'Gillivray	11,550	"	Templeton	- ditto	8,949
"	Thetford	Merwin Neoth	23,100	"	Stanford	Jenkin Williams	26,810
"	Wickham	William Lindsay	23,753	1808	Maddington	G. W. Allsopp	6,005
"	Stoke	James Cowan	43,620	1809	Wentworth	Jane de Montmollin	12,390
"	Sutton	P. Conroy and H. Best	39,900	"	Farnham	J. Cuyler and J. Allsopp	10,176
"	Wolfstown	N. Montour	11,550			Total Acres	1,457,209
1803	Ascot	Gilbert Hyatt	20,188				
"	Ilury	Calvin May	11,550				
"	Bulstrode	Patrick Langan	24,463				

## No. 4.

RETURN of the NUMBER of ACRES of LAND located to Individuals in each Year, from 1817 to the 1st day of August 1838.

Year.	Number of Acres located prior to 1817.	Number of Acres located from 1817 to 1st August 1838, inclusive.	TOTAL Number of Acres under location.	Remarks.	Year.	Number of Acres located prior to 1817.	Number of Acres located from 1817 to 1st August 1838, inclusive.	TOTAL Number of Acres under location.	Remarks.
	A.	A.	A.			A.	A.	A.	
1818	7,200	-	7,200		1829	-	6,200	6,200	
1819	54,179	-	54,179		1830	-	87,995	87,995	
1820	47,830	-	47,830		1831	-	24,294	24,294	
1821	42,300	-	42,300		1832	-	23,698	23,698	
1822	36,674	-	36,674		1833	-	31,267	31,267	
1823	64,575	-	64,575		1834	-	10,400	10,400	
1824	54,674	-	54,674		1835	-	13,400	13,400	
1825	35,325	-	35,325		1836	-	4,704	4,704	
1826	700	-	700		1837	-	7,932	7,932	
1827	-	2,591	2,591			341,357	221,802	563,159	
1828	-	9,312	9,312						

## No. 6.

## RETURN of CROWN LANDS sold in each Year from 1829 to 1837, inclusive.

Year.	No. of Acres sold.	PRICE.	Remitted to Officers under Regulation of the 1st August 1831.	Remitted to others, &c. under authority from the Governor or Secretary of State.	Received since 1831.	TOTAL Amount received.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1829	No sales made.					
1827						
1828	20,011	5,044 9 9½	- - -	- - -	- - -	2,782 13 6
1829	31,366	7,479 17 7	- - -	- - -	- - -	2,233 19 6
1830	28,077	7,461 13 5	- - -	- - -	- - -	2,580 - 5
1831	51,357	12,448 8 -	- - -	- - -	3,935 5 6½	-
1832	24,112½	6,168 2 1½	555 11 -	- - -	2,954 19 9½	-
1833	42,569	7,540 1 5	1,409 12 7	456 16 8	3,436 19 8½	-
1834	43,113	7,822 15 2	2,567 9 10	218 8 -	3,166 18 6	-
1835	136,447	21,772 7 10½	4,179 18 1	- - -	7,003 15 5½	-
1836	39,057	13,600 14 5	4,612 - 9	- - -	11,862 7 2½	-
1837	34,360	5,660 2 -	684 6 5	- - -	7,474 16 9½	-
						39,135 2 4½
	450,469½	75,011 8½	14,092 18 8	655 4 8	39,135 2 4½	46,731 15 9½

## No. 6.

## RETURN of CLEARY RESERVES sold in each Year, from 1829 to 1837, inclusive.

Year.	Acres sold on Quit Rent.	Number of Acres sold absolutely.	PRICE.	Amount received since 1831.	TOTAL Amount received.	REMARKS.
			£. s. d.	£. s. d.	£. s. d.	
1829	900	200	40 - -	- - -	23 10 -	
1830	1,800	2,156	1,250 3 -	- - -	561 17 -	
1831	5,700	5,632	1,525 9 3	598 7 6	-	
1832	- -	6,873	1,278 11 8	533 2 6	-	
1833	- -	37,278	12,791 17 5	3,454 11 6½	-	
1834	- -	77,265	17,875 19 1	7,476 8 4½	-	
1835	- -	111,275	23,415 16 11½	10,676 11 10½	-	
1836	- -	34,310	8,568 15 4	15,159 11 2½	-	
1837	- -	12,822½	5,457 4 7½	11,941 10 6½	-	
					49,840 3 6½	
	8,400	299,811½	72,203 17 4	49,840 3 6½	50,425 10 6½	

No. 7.

RETURN, showing the Quantity of LAND reserved for the Support of a PROTESTANT CLERGY, in the different LETTERS PATENT issued under the Great Seal of the Province granting LAWS to Individuals.

YEAR.	TOWNSHIP.	Number of Acres in each Township.			Number of Acres in each Year.	YEAR.	TOWNSHIP.	Number of Acres in each Township.			Number of Acres in each Year.			
		A.	R.	P.	A.	R.	P.	A.	R.	P.	A.	R.	P.	
1796	Dunham	8,179	-	-	8,179	-	-	1803	Newport	2,400	-	-		
1797	Brome	8,351	1	28				Stanstead	173	-	-	63,493	-	
"	Bolton	19,534	1	3				1804	Hemmingford	431	-	-		
"	Potton	1,900	-	-	29,075	2	33		Tingwick	4,400	-	-		
1798	Magdalen	8,143	-	-					Warwick	4,600	-	-		
"	Ipswich	-	-	-					Easton	1,000	-	-		
"	Farnham	4,600	-	-	16,743	-	-		Westbury	2,273	-	-		
1799	Hinchinbrook	1,080	-	-					Nelson	7,761	-	-		
"	Hemmingford	4,400	-	-					Somerset	7,669	-	-		
"	Clifton	2,400	-	-					Windsor	50	-	-		
"	Armagh	480	-	-					Tring	4,400	-	-	39,574	-
"	Rawdon	380	-	-				1805	Barnston	200	-	-		
"	Chatham	440	-	-					Hawdon	400	-	-		
"	Buckingham	400	-	-					Kingsey	2,114	-	-		
"	Dorset	10,800	-	-	19,780	-	-		Hadley	382	-	-		
1800	Stoneham	4,800	-	-					Newton	2,486	-	-		
"	Tewkesbury	5,000	-	-					Onslow	200	-	-		
"	Grantham	5,334	-	-					Melbourne	4,813	-	-		
"	Hunterstown	4,400	-	-					Chester	2,300	-	-		
"	Upton	4,800	-	-					Dudswell	2,385	-	-		
"	Stanstead	5,385	-	-					Wendover	2,166	-	-		
"	Broughton	4,400	-	-					Halifax	2,400	-	-		
"	Stukely	4,400	-	-					Durham	1,300	-	-		
"	Hereford	4,400	-	-					Stanstead	600	-	-		
"	Eaton	5,300	-	-	47,959	-	-		Farnham	800	-	-	22,426	-
1801	Sheffield	6,800	-	-				1806	Hull	2,693	-	-		
"	Barnston	4,400	-	-				"	Aston	5,454	-	-		
"	Orford	2,400	-	-				"	Aukland	4,400	-	-		
"	Newport	2,000	-	-				"	Granby	200	-	-		
"	Stanbridge	7,800	-	-				"	Frampton	2,200	-	-		
"	Brompton	8,000	-	-				"	Acton	4,876	-	-		
"	Shipton	11,600	-	-	43,000	-	-	"	Milton	100	-	-		
1802	Stoke	8,300	-	-				"	Simpson	50	-	-		
"	Barford	5,400	-	-				"	Eardley	1,278	-	-		
"	Sutton	7,600	-	-				"	Buckland	2,418	-	-		
"	Windsor	10,800	-	-				"	Chatham	800	-	-	24,469	-
"	Chester	2,300	-	-				1807	Lingwick	3,000	-	-		
"	Simpson	8,300	-	-				"	Lochaber	3,084	-	-		
"	Halifax	2,300	-	-				"	Templeton	1,841	-	-		
"	Inverness	2,300	-	-				"	Stanford	4,884	-	-		
"	Wolfstown	2,300	-	-				"	Ham	4,400	-	-		
"	Leeds	2,300	-	-				"	Hull	100	-	-	17,249	-
"	Ireland	2,300	-	-				1808	Grenville	200	-	-		
"	Durham	4,800	-	-				"	Ham	200	-	-		
"	Compton	5,000	-	-				"	Frampton	2,359	-	-		
"	Wickham	4,345	-	-				"	Wendover	25	-	-		
"	Arthabaska	5,000	-	-				"	Onslow	2,330	-	-		
"	Thetford	4,400	-	-				"	Maddington	1,867	-	-		
"	Ely	2,300	-	-				"	Windsor	100	-	-		
"	Ixworth	200	-	-	75,345	-	-	"	Simpson	100	-	-		
1803	Roxton	4,800	-	-				"	Somerset	56	-	-		
"	Granby	7,627	-	-				"	Nelson	50	-	-	7,077	-
"	Buckingham	2,845	-	-				1809	Farnham	1,758	-	-		
"	Milton	5,993	-	-				"	Sherrington	5,608	-	-		
"	Clifton	4,765	-	-				"	Upton	141	-	-		
"	Ascot	2,747	-	-				"	Wentworth	2,400	-	-		
"	Bury	2,300	-	-				"	Templeton	1,133	-	-	11,038	-
"	Hadley	9,430	-	-				1810	Stanstead	4,712	-	-		
"	Ditton	2,500	-	-				"	Compton	2,690	-	-		
"	Clinton	4,597	-	-				"	Barnston	3,006	-	-		
"	Bulstrode	4,597	-	-				"	Shenley	1,887	-	-		
"	Kingsey	2,081	-	-				"	Shipton	25	-	-		
"	Hemmingford	1,171	-	-				"	Potton	25	-	-		
"	Kildare	2,400	-	-				"	Grenville	200	-	-	12,545	-
"	Potton	5,993	-	-										

3.-III.

(continued.)

No. 7.—RETURN, showing the Quantity of Land reserved for the Support of a Protestant Clergy, &amp;c.—continued.

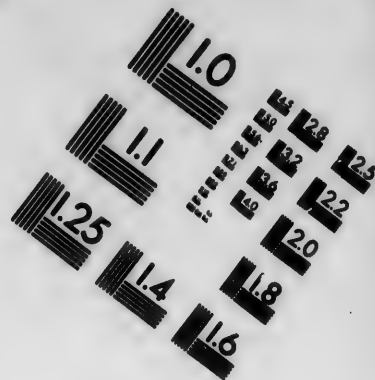
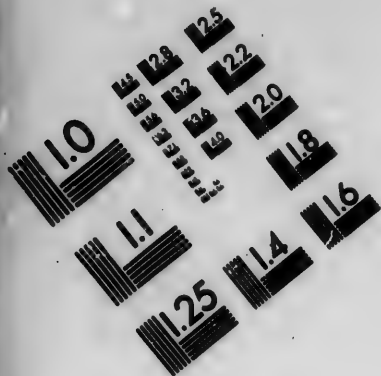
YEAR.	TOWNSHIP.	Number of Acres in each Township.			Number of Acres in each Year.			YEAR.	TOWNSHIP.	Number of Acres in each Township.			Number of Acres in each Year.		
		A.	R.	P.	A.	R.	P.			A.	R.	P.	A.	R.	P.
1811	Ely	190	-	-	-	-	-	1822	Frampton	440	-	-	-	-	-
"	Newton Tract	182	-	-	-	-	-	"	Wickham	3,659	-	-	-	-	-
"	Shefford	4,250	-	-	-	-	-	"	Weedon	2,500	-	-	-	-	-
"	Barnston	600	-	-	-	-	-	"	Ireland	100	-	-	-	-	-
"	Inverness	100	-	-	-	-	-	"	Grantham	5,220	-	-	-	-	-
"	Kingsay	300	-	-	-	-	-	"	Grenville	816	-	-	-	-	-
"	Hemmingford	506	-	-	-	-	-	"	Wendover	180	-	-	-	-	-
"	Ham	200	-	-	6,238	-	-	"	Upton	80	-	-	-	-	-
1812	Chatham	5,400	-	-	-	-	-	"	Settrington	3,189	-	-	-	-	-
"	Leeds	1,275	-	-	-	-	-	"	Hull	240	-	-	-	-	-
"	Eaton	25	-	-	-	-	-	"	Leeds	40	-	-	-	-	-
"	Sherrington	1,200	-	-	7,900	-	-	"	Dudswell	20	-	-	-	-	-
1814	Shefford	1,881	-	-	-	-	-	"	Kildare	500	-	-	14,224	-	-
"	Durham	250	-	-	-	-	-	1823	Grantham	40	-	-	-	-	-
"	Kingsay	200	-	-	-	-	-	"	Blandford	5,703	-	-	-	-	-
"	Leeds	100	-	-	-	-	-	"	Grenville	580	-	-	-	-	-
"	Hemmingford	693	-	-	-	-	-	"	Weedon	100	-	-	-	-	-
"	Tingwick	900	-	-	-	-	-	"	Ireland	80	-	-	-	-	-
"	Ascot	35	-	-	-	-	-	"	Kingsay	160	-	-	-	-	-
"	Wendover	65	-	-	4,124	-	-	"	Rawdon	220	-	-	-	-	-
1815	Durham	2,757	-	-	-	-	-	"	Eaton	400	-	-	-	-	-
"	Eaton	500	-	-	-	-	-	"	Barnston	120	-	-	-	-	-
"	Grantham	6,000	-	-	8,257	-	-	"	Lochaber	589	-	-	-	-	-
1816	Grantham	341	-	-	-	-	-	"	Dudswell	600	-	-	-	-	-
"	Isworth	1,800	-	-	-	-	-	"	Upton	120	-	-	-	-	-
"	Roxton	2,316	-	-	-	-	-	"	Frampton	160	-	-	-	-	-
"	Wendover	104	-	-	-	-	-	"	Chester	150	-	-	-	-	-
"	Ascot	1,188	-	-	-	-	-	"	Inverness	160	-	-	-	-	-
"	Stukely	3,100	-	-	-	-	-	"	Aug. of Wen-	155	-	-	9,137	-	-
"	Ely	2,200	-	-	10,549	-	-	"	dover.	-	-	-	-	-	-
1817	Clifton	120	-	-	-	-	-	1824	Broughton	360	-	-	-	-	-
"	Sutton	900	-	-	-	-	-	"	Ireland	718	-	-	-	-	-
"	Potton	1,900	-	-	-	-	-	"	Kingsay	120	-	-	-	-	-
"	Kingsay	200	-	-	-	-	-	"	Kildare	592	-	-	-	-	-
"	Frampton	240	-	-	-	-	-	"	Hull	1,090	-	-	-	-	-
"	Melbourne	680	-	-	-	-	-	"	Aug. of Seig-	1,273	-	-	-	-	-
"	Ireland	40	-	-	-	-	-	"	of Matane.	-	-	-	-	-	-
"	Grenville	40	-	-	-	-	-	"	Blandford	1,518	-	-	-	-	-
"	Tingwick	1,400	-	-	5,590	-	-	"	Leeds	268	-	-	-	-	-
1818	Melbourne	140	-	-	-	-	-	"	Ascot	1,040	-	-	-	-	-
"	Roxton	812	-	-	-	-	-	"	Hatley	60	-	-	-	-	-
"	Milton	40	-	-	-	-	-	"	Aug. of Aston	174	-	-	-	-	-
"	Granby	40	-	-	-	-	-	"	Eardley	300	-	-	-	-	-
"	Eaton	40	-	-	-	-	-	"	Grenville	40	-	-	-	-	-
"	Tingwick	941	-	-	-	-	-	"	Farnham	260	-	-	-	-	-
"	Wendover	40	-	-	-	-	-	"	Rawdon	40	-	-	-	-	-
"	Ascot	652	-	-	-	-	-	"	Chester	240	-	-	8,023	-	-
"	Orford	53	-	-	-	-	-	1825	Leeds	160	-	-	-	-	-
"	Hatley	400	-	-	3,158	-	-	"	Kildare	40	-	-	-	-	-
1819	Chester	200	-	-	-	-	-	"	Rawdon	60	-	-	-	-	-
"	Leeds	240	-	-	-	-	-	"	Inverness	100	-	-	-	-	-
"	Ely	840	-	-	-	-	-	"	Grantham	37	-	-	397	-	-
"	Shenley	240	-	-	-	-	-	1826	Frampton	440	-	-	-	-	-
"	Wickham	120	-	-	-	-	-	"	Inverness	40	-	-	-	-	-
"	Wendover	40	-	-	-	-	-	"	Leeds	40	-	-	-	-	-
"	Grantham	66	-	-	-	-	-	"	Ascot	400	-	-	920	-	-
"	Simpson	28	-	-	-	-	-	1827	Braudon	1,960	-	-	-	-	-
"	Kingsay	208	-	-	-	-	-	"	Hatley	200	-	-	-	-	-
"	Hatley	235	-	-	2,217	-	-	"	Farnham	280	-	-	-	-	-
1820	Wickham	82	-	-	-	-	-	"	Stukely	160	-	-	-	-	-
"	Ashford	20	-	-	-	-	-	"	Grenville	200	-	-	-	-	-
"	Grenville	40	-	-	-	-	-	"	Rawdon	40	-	-	-	-	-
"	Wendover	70	-	-	-	-	-	"	Kildare	40	-	-	-	-	-
"	Stoneham	40	-	-	252	-	-	"	Acton	100	-	-	-	-	-
1821	Leeds	40	-	-	-	-	-	"	Ham	1,200	-	-	-	-	-
"	Ashford	250	-	-	-	-	-	"	Hull	2,706	-	-	-	-	-
"	Hatley	160	-	-	450	-	-	"	Templeton	121	-	-	-	-	-
								"	Wickham	140	-	-	-	-	-
								"	Frampton	20	-	-	7,807	-	-

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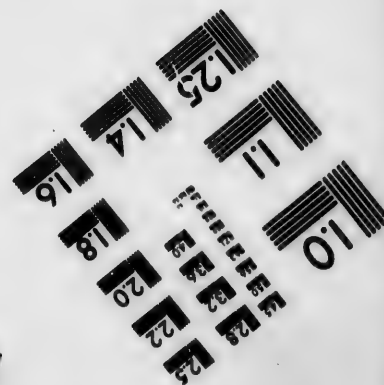
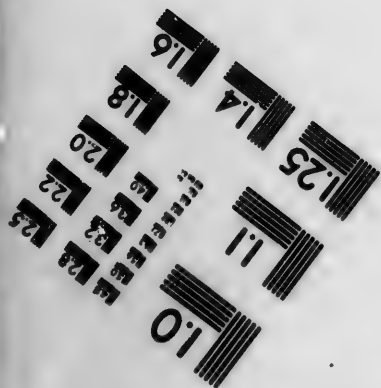
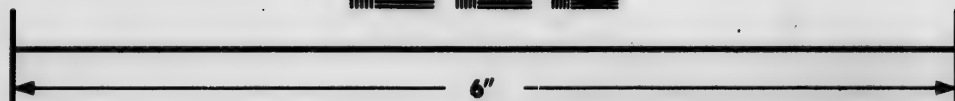
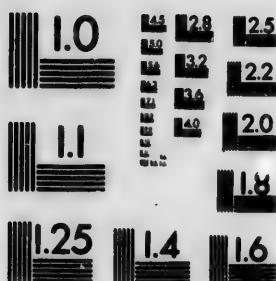


No. 7.—RETURN, showing the Quantity of Land reserved for the Support of a Protestant Clergy, &amp;c.—continued.

YEAR.	TOWNSHIP.	Number of Acres in each Township.	Number of Acres in each Year.	YEAR.	TOWNSHIP.	Number of Acres in each Township.	Number of Acres in each Year.
		A. R. P.	A. R. P.			A. R. P.	A. R. P.
1828	Acton -	369		1831	Ascott -	468	
"	Chester -	160		"	Eaton -	270	
"	Ham -	904		"	Lochaber -	185	
"	Kildare -	120		"	Grantham -	180	12,794 - -
"	Rawdon -	60		1832	Ham -	5,086	
"	Granby -	240		"	Inverness -	274	
"	Hatley -	80		"	Leeds -	640	
"	Milton -	300		"	Rawdon -	260	
"	Dudswell -	160		"	Buckingham -	160	
"	Frampton -	440		"	Roxton -	180	
"	Ireland -	560		"	Grantham -	453	
"	Brandon -	340		"	Hull -	40	
"	Leeds -	266		"	Ireland -	1,180	
"	Inverness -	90		"	Kilkenny -	1,530	
"	Stoneham -	40		"	Wendover -	40	
"	Grantham -	40		"	Wickham -	533	
"	Grenville -	40		"	Kildare -	400	
"	Halifax -	160		"	Acton -	80	
"	Upton -	1,460		"	Chester -	40	
"	Armagh -	4		"	Wentworth -	80	
"	Tingwick -	860		"	Stanford -	264	
"	Wendover -	60		"	Dudswell -	180	
"	Kingsey -	100	6,143 - -	"	Kingsey -	300	
1829	Hinchinbrook -	40		"	Hatley -	140	
"	Frampton -	530		"	Hemmingford -	112	
"	Jersey -	1,068	1,628 -	"	Lochaber & Gore -	410	
1830	Ham -	1,143		"	Newport -	300	
"	Inverness -	120		"	Tingwick -	160	
"	Chester -	500		"	Brandon -	9,040	
"	Ireland -	240		"	Ely -	260	
"	Leeds -	40		"	Halifax -	190	
"	Hereford -	240		"	Ascot -	20	
"	Ascot -	1,010		"	Tewkesbury -	80	
"	Hatley -	1,140		"	Wolftown -	100	
"	Orford -	138		"	Broughton -	340	
"	Acton -	642		"	Milton -	220	
"	Roxton -	120		"	Bulstrode -	18	
"	Maddington -	57	5,380 - -	"	Upton -	220	
1831	Frampton -	1,157		"	Granby -	80	
"	Inverness -	78		"	Eaton -	60	
"	Ham and aug. -	646		"	Grenville -	1,470	
"	Eardley -	20		"	Templeton -	380	19,539 - -
"	Leeds -	212		1833	Clarendon -	530	
"	Shenley -	3,272		"	Ham -	1,760	
"	Standon -	430		"	Ireland -	400	
"	Ireland -	240		"	Stukeley -	100	
"	Wolftown -	360		"	Eardley -	140	
"	Dudswell -	180		"	Kingsey -	130	
"	Hull -	440		"	Hull -	26	
"	Kildare -	338		"	Brandon -	320	
"	Templeton -	76		"	Kildare & aug. -	505	
"	Buckingham -	720		"	Leeds -	70	
"	Chester -	320		"	Rawdon -	400	
"	Tingwick -	180		"	Roxton -	80	
"	Rawdon -	520		"	Buckland -	644	
"	Brandon -	400		"	Wickham -	20	
"	Halifax -	580		"	Hatley -	180	
"	Hatley -	270		"	Cranbourne -	578	
"	Acton -	432		"	Templeton -	60	
"	Broughton -	100		"	Kilkenny -	260	
"	Onslow -	40		"	Dudswell -	240	
"	Wickham -	360		"	Grenville -	490	
"	Maddington -	100		"	Wolftown -	400	
"	Upton -	160		"	Granby -	120	
"	Stoneham -	120		"	Warwick -	40	
"	Warwick -	360		"	Upton -	1,644	
"	Newport -	40		"	Acton -	40	
"	Granby -	80		"	Inverness -	160	
"	Kingsey -	40		"	Ixworth -	40	
"	Aug. of Acton -	200		"	Halifax -	120	
"	Roxton -	320		"	Grantham -	20	



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## No. 7.--RETURN, showing the Quantity of Land reserved for the Support of a Protestant Clergy, &amp;c.--continued.

YEAR.	TOWNSHIP.	Number of Acres in each Township.	Number of Acres in each Year.	YEAR.	TOWNSHIP.	Number of Acres in each Township.	Number of Acres in each Year.
		A. R. P.	A. R. P.			A. R. P.	A. R. P.
1833	Eaton -	160	-	1835	Tingwick -	160	-
"	Barnston -	40	-	"	Grantham -	220	-
"	Wendover -	64	-	"	Granby -	20	-
"	Buckingham -	240	-	"	Kingsey -	270	-
"	Lochaber -	40	-	"	Wendover -	640	-
1834	Stukely -	25	-	"	Wickham -	80	-
"	Buckingham -	1,280	-	"	Stoke -	80	-
"	Dudswell -	700	-	"	Broughton -	80	-
"	Chester -	220	-	"	Hull -	300	-
"	Inverness -	360	-	"	Barnston -	10	-
"	Kilkenny -	280	-	"	Newport -	635	-
"	Halifax -	320	-	"	Aug. of Aston -	160	-
"	Rawdon -	760	-	"	Onslow -	66	-
"	Maddington -	520	-	1836	Thetford -	3,055	2 35
"	Grenville & aug. -	180	-	"	Ixworth -	80	-
"	Leeds -	176	-	"	Dudswell -	540	-
"	Templeton -	120	-	"	Bristol -	2,654	31
"	Ham -	793	-	"	Acton -	80	-
"	Brandon -	20	-	"	Grenville -	210	16
"	Acton -	100	-	"	Lochaber -	300	-
"	Frampton -	340	-	"	Litchfield -	133	-
"	Tring -	440	-	"	Roxton -	280	-
"	Ireland -	340	-	"	Rawdon -	360	-
"	Kildare -	6	-	"	Inverness -	100	-
"	Clarendon -	180	-	"	Ireland -	180	-
"	Litchfield -	6,868	-	"	Eaton -	1,250	-
"	Roxton -	246	-	"	Hull -	97	-
"	Stanford -	40	-	"	Buckingham -	1,687	-
"	Cranbourne -	9,793	-	"	Ware -	934	-
"	Thetford -	20	-	"	Warwick -	160	-
"	Hatley -	20	-	"	Chester -	200	-
"	Ely -	160	-	"	Wendover -	472	-
"	Bristol -	6,859	-	"	Clarendon -	253	-
"	Matane -	11,217	-	"	Newport -	100	-
"	Wolfs town -	340	-	"	Cranbourne -	180	-
1835	Stukely -	30	-	"	Kilkenny -	259	-
"	Buckingham -	420	-	"	Wickham -	20	-
"	Dudswell -	180	-	"	Buckland -	180	-
"	Chester -	700	-	"	Stoke -	20	-
"	Inverness -	340	-	"	Hatley -	1,243	-
"	Kilkenny -	560	-	"	Orford -	480	-
"	Halifax -	826	-	"	Maddington -	233	-
"	Rawdon -	1,700	-	"	Leeds -	160	-
"	Maddington -	60	-	"	Kingsey -	380	-
"	Grenville -	640	-	"	Eardley -	20	-
"	Leeds -	665	-	"	Tring -	200	-
"	Templeton -	60	-	"	Onslow -	120	-
"	Ham -	1,025	-	"	Aston -	336	-
"	Brandon -	20	-	"	Bulstrode -	40	-
"	Acton -	520	-	"	Jersey -	20	-
"	Frampton -	260	-	"	Broughton -	20	-
"	Tring -	600	-	"	Stukely -	200	-
"	Ireland -	460	-	"	Compton -	11	31
"	Kildare -	22	-	"	Ely -	40	-
"	Clarendon -	1,056	-	"	Granby -	80	-
"	Litchfield -	263	-	"	Ham -	140	-
"	Roxton -	280	-	"	Aug. of Kildare -	20	-
"	Stanford -	262	-	"	Ashford -	20	-
"	Cranbourne -	280	-	"	Weedon -	460	-
"	Thetford -	1,296	-	"	Halifax -	20	-
"	Hatley -	354	1 34	1837	Thetford -	2,252	16
"	Ely -	1,154	-	"	Ely -	200	-
"	Bristol -	1,609	-	"	Cranbourne -	40	-
"	Milton -	100	-	"	Dudswell -	80	-
"	Wolfs town -	100	-	"	Kilkenny -	24	-
"	Ware -	6,710	-	"	Bristol -	321	2 20
"	Eaton -	500	-	"	Wickham -	100	-
"	Warwick -	580	-	"	Ashford -	560	-
"	Standon & aug. -	3,215	-	"	Grenville -	120	-
"	Weedon -	260	-	"	Weedon -	140	-
"	Lochaber -	2,737	-	"	Wolfs town -	400	-

33,165 1 24

18,037 - 33

**No. 7.—RETURN, showing the Quantity of Land reserved for the Support of a Protestant Clergy, &c.—continued.**

33,165 1 24

### RECAPITULATION.

18,037 - 33



No. 2.

MEMORANDUM of SALES of CROWN LANDS and CLERGY RESERVES between the 1st September 1828 and 30 June 1836, in which the quantity sold to each Individual or Company exceeds 5,000 Acres.

PURCHASER.	TOWNSHIP.	CROWN.	CLERGY.	TOTAL.
		A.	A.	A.
British American Land Company	Wickham	-	3,208	-
Ditto	Acton	786	4,447	-
Ditto	Brome	-	3,400	-
Ditto	Milton	-	1,674	-
Ditto	Granby	-	3,200	-
Ditto	Shifford	-	1,800	-
Ditto	Stukeley	-	3,071	-
Ditto	Ely	-	5,200	-
Ditto	Roxton	-	8,960½	-
Ditto	Stanstead	-	130	-
Ditto	Barnston	-	3,250½	-
Ditto	Potton	-	4,400	-
Ditto	Bolton	-	1,700	-
Ditto	Hatley	-	3,673	-
Ditto	Newport	-	3,800	-
Ditto	Weedon	-	8,600	-
Ditto	Dudwell	-	6,065½	-
Ditto	Westbury	-	925	-
Ditto	Brompton	-	1,706	-
Ditto	Orford	-	200	-
Ditto	Stoke	-	3,041	-
Ditto	Ascot	-	2,000	-
Ditto	Bury	-	2,000	-
Ditto	Lingwick	-	2,400	-
Ditto	Melbourne	-	60	-
Ditto	Barford	-	4,800	-
Ditto	Clifton	-	8,288	-
Ditto	Eaton	-	4,350	-
Ditto	Auckland	-	3,800	-
Hon. Mat. Bell	Caxton	5,000	-	-
Henry Hunt, Humphrys & Webb	Ditto	23,888	5,331	-
Jas. H. Kerr & T. Kimpton	Hunterstown	4,300	4,200	-
Lieut. Col. D. M'Dougall	Acton	31	-	-
Ditto	Upton	1,682	4,005	-
Ditto	Westbury	-	1,048	-
Tyler Hervey Moore	Simpson	7,735	7,800	-
Ditto	Wendover	16,500	6,400	-
Ditto	Wickham	9,466½	3,184½	-
Ditto	Grantham	4,400	-	-
Charles R. Ogden	Stukeley	-	1,600	-
Ditto	Newport	-	4,400	-
Ditto	Thetford	3,200	3,200	-
Ditto	Eaton	-	400	-
Ditto	Clinton	-	2,000	-
Hon. J. Richardson	Grantham	-	5,600	-
Thos. Allen Stagner	Chatham	200	400	-
Ditto	Horton	-	1,588	-
Ditto	Blansford	-	5,460	-
Ditto	Kingsey	-	-	-
Randolph Isham Routh	Ware, Cranbourne & Standon	6,599	-	-
Thomas Ryan	Kingsey	10,500	1,800	-
TOTAL		93,227½	158,472½	251,700½

## RECAPITULATION.

PURCHASERS.	CROWN.	CLERGY.	TOTAL.
	A.	A.	A.
British American Land Company	786	100,056½	100,782½
Hon. Mat. Bell	5,000	-	5,000
Henry Hunt, Humphrys & Webb	23,888	5,331	28,219
Jas. Hastings Kerr & Kimpton	4,300	4,200	8,500
Lieut. Col. D. M'Dougall	1,713	5,053	6,766
Tyler Hervey Moore	38,101½	17,384½	55,486½
Chas. R. Ogden	3,200	11,600	14,800
Hon. J. Richardson	-	5,600	5,600
Thos. Allen Stagner	200	7,448	7,648
Randolph Isham Routh	6,599	-	6,599
Thomas Ryan	10,500	1,800	12,300
TOTAL	93,227½	158,472½	251,700½

No. 9.

RETURN of the QUANTITY of LAND sold in the District of *Gaspé*, since 1837.

YEAR.	TOWNSHIP.	ACRES.	Total Number of Acres.	PURCHASERS.	REMARKS.
1833	Ristigouche -	2,100	-	Robert Christie.	Remitted.
1835	" -	268	-	Robert Ferguson.	
"	" -	1,761	-	15 Purchasers.	
"	" -	210	-	Edward Quinlin.	
"	" -	200	-	Richard Primroy.	
"	" -	236	-	John Rodgers.	
"	" -	200	-	Patrick Doyle.	
"	" -	200	-	Michael Cheaters.	
"	" -	200	-	William Callow.	
			5,875		
1834	Kempt Road -	1,366	-	14 Purchasers.	
"	" -	500	-	Peter Ingram.	
"	" -	186	-	David Nelson.	
"	" -	252	-	Alexander Allen.	
"	" -	234	-	George Dixon.	
"	" -	200	-	James Haley.	
1835	" -	500	-	3 Purchasers.	
			3,238		
1834	Marin -	1,202	-	14 - ditto.	
"	" -	305	-	W. Cuthbert & Co.	
1835	" -	568	-	- ditto.	
"	" -	84	-	1 Purchaser.	
			2,159		
1834	New Richmond -	719	-	W. Cuthbert & Co.	
"	" -	2,785	-	28 Purchasers.	
1835	" -	2,019	-	21 - ditto.	
"	" -	352	-	Edward Burton	
			5,875		
1834	Carleton -	174	-	2 Purchasers.	
1835	" -	307	-	John Grant.	
"	" -	487	-	5 Purchasers.	
			988		
"	Hamilton -	2,003	-	20 - ditto.	Remitted (Military).
"	" -	760	-	Edward Enwright	
"	" -	300	-	Arthur Ritchie.	
			3,063		
"	Hope -	1,546	1,546	Edward Enwright	ditto.
"	Port Daniel -	300	300	- ditto	
			22,544		

No. 10.

## RECAPITULATION of the NUMBER of ACRES granted gratuitously under Patent in each Township, from 1796 to 1st August 1836, inclusive.

TOWNSHIP.	Number of Acres included in Patents prior to 1827.			Number of Acres included in Patents from 1827 to 1st August 1836, inclusive.			Total Number of Acres granted gratuitously in Lotter Patent.		
	A.	B.	P.	A.	B.	P.	A.	B.	P.
Acton -	33,000	-	-	12,731	-	-	35,731	-	-
Armagh -	2,400	-	-	-	-	-	2,400	-	-
Arthabaska -	11,000	-	-	-	-	-	11,000	-	-
Ascot -	38,600	-	-	32,647	-	-	71,247	-	-
Ashford -	1,300	-	-	3,000	-	-	5,100	-	-
Aston and augmentation -	27,792	-	-	3,481	-	-	31,273	-	-
Auckland -	22,000	-	-	-	-	-	22,000	-	-

3.—III.

B B 4

(continued.)

No. 10.—NUMBER of Acres granted gratuitously under Patent in each Township, &amp;c.—continued.

TOWNSHIP	Number of Acres included in Patents prior to 1827.			Number of Acres included in Patents from 1827 to 1st August 1856, inclusive.			Total Number of Acres granted gratuitously in Letters Patent.		
	A.	R.	P.	A.	R.	P.	A.	R.	P.
Berford	26,400	—	—	—	—	—	26,400	—	—
Barnston	29,600	—	—	200	—	—	29,800	—	—
Blandford	37,657	—	—	—	—	—	37,657	—	—
Bolton	62,621	1	30	—	—	—	62,621	1	30
Brandon	—	—	—	22,219	—	—	22,219	—	—
Bristol	—	—	—	2,452	—	—	2,452	—	—
Brome	41,757	3	—	—	—	—	41,757	3	—
Brompton	40,200	—	—	—	—	—	40,200	—	—
Broughton	23,800	—	—	9,300	—	—	33,100	—	—
Buckingham	16,309	—	—	15,926	—	—	32,235	—	—
Buckland	11,500	—	—	4,014	—	—	15,514	—	—
Bulstrode	23,800	—	—	3,662	—	—	27,462	—	—
Bury	11,000	—	—	—	—	—	11,000	—	—
Chatham	41,866	—	—	16,565	—	—	58,431	—	—
Chester	25,151	—	—	10,683	—	—	35,834	—	—
Clarendon	—	—	—	12,901	—	—	12,901	—	—
Clifton	49,530	—	—	—	—	—	49,530	—	—
Clinton	11,000	—	—	—	—	—	11,000	—	—
Compton	25,200	—	—	546	—	—	25,746	—	—
Cranbourne	—	—	—	3,986	—	—	3,986	—	—
Ditton	11,000	—	—	—	—	—	11,000	—	—
Dorset	50,736	—	—	—	—	—	50,736	—	—
Dudswell	14,400	—	—	9,300	—	—	23,700	—	—
Dunham	40,895	—	—	200	—	—	41,095	—	—
Durham	42,253	—	—	1,360	—	—	43,613	—	—
Eardley	7,000	—	—	1,210	—	—	8,210	—	—
Eaton	36,500	—	—	4,900	—	—	41,400	—	—
Ely	26,800	—	—	5,300	—	—	32,100	—	—
Farnham	39,440	—	—	200	—	—	39,640	—	—
Frampton	28,300	—	—	14,000	—	—	42,300	—	—
Godmanchester	41,939	—	—	26,847	1	36	68,786	1	36
Granby	33,900	—	—	12,100	—	—	46,000	—	—
Grantham	76,869	—	—	4,368	—	—	81,237	—	—
Grenville and augmentation	11,138	—	—	14,400	—	—	25,538	—	—
Halifax	23,300	—	—	7,000	—	—	30,300	—	—
Ham	13,400	—	—	—	—	—	13,400	—	—
Hatley	26,100	—	—	9,512	—	—	35,612	—	—
Hemmingford	39,420	—	—	1,591	—	—	41,011	—	—
Hereford	20,800	—	—	1,200	—	—	22,000	—	—
Hinchinbrook	22,019	—	—	21,267	3	34	43,286	3	34
Hull	16,656	—	—	15,889	—	—	32,545	—	—
Huntingdon	—	—	—	2	26	—	2	26	—
Inverness	12,300	—	—	10,890	—	—	23,190	—	—
Ireland	17,974	—	—	15,397	—	—	33,371	—	—
Ixworth	7,533	—	—	200	—	—	7,733	—	—
Jersey	—	—	—	5,457	—	—	5,457	—	—
Kildare and augmentation	14,330	—	—	4,676	—	—	19,006	—	—
Kilkenny	—	—	—	15,842	—	—	15,842	—	—
Kingsley	30,110	—	—	3,400	—	—	33,510	—	—
Kennebec Road	—	—	—	1,260	—	—	1,260	—	—
Leeds	24,122	—	—	11,687	—	—	35,809	—	—
Lingwick	12,000	—	—	—	—	—	12,000	—	—
Lichfield	—	—	—	836	—	—	836	—	—
Lochar	14,075	—	—	10,959	—	—	25,034	—	—

No. 10.—NUMBER of Acres granted gratuitously under Patent in each Township, &amp;c.—continued.)

TOWNSHIP.	Number of Acres included in Patents prior to 1827.			Number of Acres included in Patents, from 1827 to 1st August 1838, inclusive.			Total Number of Acres granted gratuitously in Letters Patent.		
	A.	R.	P.	A.	R.	P.	A.	R.	P.
Maddington	11,600	-	-	3,905	-	-	15,505	-	-
Magdalen Islands	48,847	-	-	-	-	-	48,847	-	-
Matane and augmentation	-	-	-	1,663	-	-	1,663	-	-
Melbourne	99,700	-	-	700	-	-	30,400	-	-
Milton	23,800	-	-	1,500	-	-	25,300	-	-
Nelson	36,800	-	-	100	-	-	36,900	-	-
Newport	22,800	-	-	4,875	-	-	27,675	-	-
Newton	16,160	-	-	-	-	-	16,160	-	-
Onslow	13,400	-	-	652	-	-	14,052	-	-
Orford	13,600	-	-	-	-	-	13,600	-	-
Potton	32,600	-	-	-	-	-	32,600	-	-
Rawdon	6,500	-	-	24,300	-	-	30,700	-	-
Roxton	23,700	-	-	7,515	-	-	31,215	-	-
Sheffield	33,800	-	-	-	-	-	33,800	-	-
Settrington	13,023	-	-	-	-	-	13,023	-	-
Sherrington	34,593	-	-	551	-	-	35,144	-	-
Shenley	11,800	-	-	15,956	-	-	27,756	-	-
Shipton	58,200	-	-	-	-	-	58,200	-	-
Simpson	42,300	-	-	528	-	-	42,828	-	-
Somerset	38,300	-	-	-	-	-	38,300	-	-
Stanbridge	39,800	-	-	1,114	-	-	40,914	-	-
Standon	-	-	-	4,349	2	-	4,349	2	-
Stanfold	24,000	-	-	4,243	-	-	28,243	-	-
Stanstead	79,262	-	-	-	-	-	79,262	-	-
Stoke	43,000	-	-	100	-	-	43,100	-	-
Stoneham	24,000	-	-	600	-	-	24,600	-	-
Stukely	37,475	-	-	1,330	-	-	38,805	-	-
Sutton	39,900	-	-	-	-	-	39,900	-	-
Templeton	16,000	-	-	2,690	-	-	18,690	-	-
Tewkesbury	25,200	-	-	400	-	-	25,600	-	-
Thetford	22,000	-	-	-	-	-	22,000	-	-
Tingwick	41,187	-	-	5,425	-	-	46,612	-	-
Tring	22,100	-	-	8,000	-	-	30,100	-	-
Upton and augmentation	23,905	-	-	18,616	-	-	42,521	-	-
Warwick	23,940	-	-	5,600	-	-	29,540	-	-
Weedon	12,800	-	-	4,800	-	-	17,600	-	-
Wendover and augmentation	13,350	-	-	6,183	2	-	19,533	2	-
Wentworth	11,800	-	-	1,500	-	-	13,300	-	-
Westbury	12,000	-	-	-	-	-	12,000	-	-
Wickham	33,291	-	-	4,020	-	-	37,311	-	-
Windsor	51,900	-	-	-	-	-	51,900	-	-
Wolfestown	11,000	-	-	7,900	-	-	18,900	-	-
Winslow	3,600	-	-	-	-	-	3,600	-	-
Three Islands in River St. Thomas	-	-	-	17	-	32	17	-	32
Islands in Ottawa	-	-	-	11	-	-	11	-	-
TOTAL	2,482,527	-	30	525,527	1	8	3,008,054	1	38

No. 11.—RETURN of SALES of LICENSES to CUT TIMBER on the WASTE LANDS of THE CROWN, in *Lower Canada*, from the 1st January 1828 to the 31st December 1837, inclusive.

Year.	Oak.	Upset Price.	Red Pine.	Upset Price.	White Pine.	Upset Price.	W. L. Staves.	Upset Price.	Star Staves.	Upset Price.	Sea-Ings.	Upset Price.	Amount.	Received.	Remarks.
1828	Est.	d.	Est.	d.	Est.	d.	3,000	£ s. d.	795	£ s. d.	54,535	d.	£ s. d.	£ s. d.	-- 323 tons, white pine; 0,540 deels; 53,433 feet, boards, deels; 4,003 feet each, and 500 feet half each deels, boards, are included in the amount 1,200 l. 16 s. 9 d.
1829	1,467	1½	174,328	1	140,905	½	-	1 - 5	-	4 1 8	76,371	2	1,320 17 9	1,193 17 9	
1830	2,731	"	108,457	"	93,112	"	-	-	-	-	125,276	"	1,366 16 9	1,249 10 10	
1831	14,048	"	52,558	"	487,066	"	-	-	-	-	{ 75,860 66,018 }	{ 2 4 }	4,265 18 3½	3,193 17 7	
1832	35,271	"	399,349	"	405,334	"	-	-	-	-	{ 64,400 34,000 }	{ 3 4 }	4,103 16 1	1,714 10 9	
1833	1,190	"	52,333	"	411,190	"	-	-	-	-	{ 3,500 500 }	{ 2 4 }	3,840 7 -	2,846 12 5	
1834	612	"	347,596	"	154,950	"	-	-	-	-	{ 45,441 273,313 }	{ 2 4 }	1,574 7 4	1,428 8 6	
1835	-	-	920,054	"	78,750	"	-	-	-	-	{ 34,500 96,700 64,000 }	{ 2 4 6 }	4,649 19 3	4,332 14 -	
1836	3,000	1½	580,000	"	190,000	"	-	-	-	-	{ 3,000 7,400 18,400 9,000 }	{ 1 2 5 7½ }	5,054 3 4	5,369 1 2	-- £ 217. 12 s. 6 d. of this amount was not received until the commencement of 1836.
1837	-	-	609,000	"	95,000	"	-	-	-	-	{ 643 15 - }	{ 1 5 }	6,453 6 8	8,975 19 7	
1837	-	-	5,000	"	45,000	"	-	-	-	-	{ 643 15 - }	{ 1 5 }	1,971 1 9	1,971 1 9	
1838	58,319	-	4,203,535	-	2,298,307	-	3,000	-	795	-	935,814	-	33,013 7 5½	31,699 14 4	

*N. B.*—The upset prices only are given in the above Return, as the selling price in no one instance has exceeded that of the upset price.



## No. 12.

MEMORANDUM of SALES of CROWN LANDS between the 18th March 1828, and the 31st December 1837, arranged in Classes of Lots less than and not exceeding 100 Acres, in Lots exceeding 100 and not exceeding 200 Acres, and any larger quantities.

	1828.	1829.	1830.	1831.	1832.	1833.	1834.	1835.	1836.	1837.	Total.
Less than and not exceeding 100 acres	40	286	266	435	164	93	161	131	64	66	1,706
Exceeding 100, and not exceeding 200	40	25	19	37	31	20	37	51	14	13	287
" 200 " 300	-	-	-	2	-	2	4	7	4	3	22
" 300 " 400	1	-	-	1	2	1	1	11	4	2	23
" 400 " 500	-	-	-	-	-	1	4	2	1	1	9
" 500 " 600	-	-	-	-	1	1	3	5	3	1	14
" 600 " 700	-	-	-	-	1	1	4	2	2	1	11
" 700 " 800	1	1	-	1	-	1	-	3	1	-	8
" 800 " 900	-	-	-	-	1	1	6	4	7	-	19
" 900 " 1,000	3	-	-	1	1	1	2	4	2	1	14
" 1,000 " 1,100	-	-	-	1	-	1	-	1	-	-	3
" 1,100 " 1,200	3	-	-	1	-	1	-	1	6	-	12
" 1,200 " 1,300	1	-	-	-	-	2	-	1	-	-	4
" 1,300 " 1,400	-	-	-	-	-	1	-	1	3	-	7
" 1,400 " 1,500	-	-	-	-	-	-	-	1	-	-	1
" 1,500 " 1,600	-	-	-	-	-	2	-	2	-	-	4
" 1,600 " 1,700	-	-	-	-	1	1	-	1	-	-	3
" 1,700 " 1,800	-	-	-	-	-	1	-	1	1	1	4
" 1,800 " 2,000	-	-	-	-	-	1	-	-	-	-	1
" 2,000 " 2,200	-	-	-	-	-	1	2	-	-	1	4
" 2,200 " 2,300	-	-	-	-	-	-	-	1	-	-	1
" 2,300 " 2,700	-	-	-	-	-	-	-	-	1	-	1
" 2,700 " 2,726	-	-	-	-	-	-	-	-	1	-	1
" 2,726 " 2,830	-	-	-	1	-	-	-	-	-	-	1
" 2,830 " 3,230	-	-	-	-	-	1	-	1	-	-	2
" 3,230 " 3,600	-	-	-	-	-	-	-	-	-	1	1
" 3,600 " 4,000	-	-	-	-	-	-	-	-	2	-	2
" 4,000 " 4,268	-	-	-	-	-	-	-	-	-	1	1
" 4,268 " 5,280	-	-	-	-	-	-	-	-	-	1	1
" 5,280 " 5,525	-	-	-	-	-	-	-	-	1	-	1
" 5,525 " 5,670	-	-	-	-	-	-	-	-	-	1	1
" 5,670 " 7,104	-	-	-	-	-	-	-	-	1	-	1
											2,170

## No. 13.

MEMORANDUM of SALES of CLERGY RESERVES between the 4th July 1830, and 31st December 1837, arranged in Classes of Sales of Lots less than and not exceeding 100 Acres, or Lots exceeding 100 and not exceeding 200 Acres, and any larger quantities.

	1830.	1830.	1831.	1832.	1833.	1834.	1835.	1836.	1837.	TOTAL.
Less than and not exceeding 100 acres	9	28	88	14	250	120	67	36	71	684
Exceeding 100 and not exceeding 200	1	8	13	19	65	30	21	29	23	209
" 200 " 300	-	-	-	1	9	3	1	2	-	16
" 300 " 400	-	-	1	-	2	-	4	4	-	11
" 400 " 500	-	-	-	-	1	-	-	4	-	5
" 500 " 600	-	-	-	1	-	1	-	-	1	3
" 600 " 700	-	-	1	-	1	-	-	1	-	3
" 700 " 800	-	-	-	1	-	-	-	-	-	1
" 800 " 900	-	-	-	-	1	-	-	-	1	2
" 900 " 1,000	-	-	-	-	-	-	1	-	-	1
" 1,000 " 1,100	-	-	-	-	-	-	1	-	-	1
" 1,100 " 1,200	-	-	-	-	-	-	-	-	-	1
" 1,200 " 1,300	-	-	-	-	1	-	-	-	-	1
" 1,300 " 1,400	-	-	-	-	-	-	-	1	-	1
" 1,400 " 1,500	-	-	-	-	-	-	-	1	-	1
" 1,500 " 1,600	-	-	-	-	-	-	-	1	-	1
" 1,600 " 1,700	-	-	-	-	-	-	-	1	-	1
" 1,700 " 1,800	-	-	-	-	-	-	-	1	-	1
" 1,800 " 1,900	-	-	-	-	-	-	1	-	1	2
" 1,900 " 2,000	-	-	-	-	-	-	-	-	2	2
" 2,000 " 2,100	-	-	-	-	-	-	-	1	-	1
Not exceeding 9,632	-	-	-	-	-	-	-	-	-	1
										944

## No. 14.

STATEMENT of the SURVEYED LANDS in the Province of *Upper Canada*, of the CLERGY RESERVES, Granted or Appropriated, and Vacant Lands.

DISTRICT.	Contents.	Clergy Reserves.	Granted or Appropriated.	Vacant.	REMARKS.
Eastern - - -	779,480	104,791	673,315	1,374	30,280 acres Indian land.
Ottawa - - -	709,730	97,327	523,069	89,324	
Johnstown - -	1,021,000	141,646	864,904	14,390	2,600 acres Indian land.
Bathurst - - -	1,165,900	157,283	696,995	311,622	
Prince Edward	213,800	26,200	187,000	-	
Midland - - -	1,841,002	248,856	1,232,126	360,020	
Newcastle - -	1,970,600	273,666	1,320,740	376,200	257,000 acres Indian land in these districts, 42,000 acres Canada Company in Gore district.
Home - - -	2,879,900	413,333	2,105,677	355,890	
Gore - - -	1,180,400	146,940	1,030,781	2,679	20,360 acres Indian land.
Niagara - - -	564,100	25,450	537,580	1,070	
Talbot - - -	383,200	52,400	330,700	100	87,500 acres Indian land.
London - - -	1,655,400	238,019	1,349,731	67,650	
Western - - -	1,617,500	211,240	1,389,560	16,700	Cl. Res. for Six Nations Indians, in Gore district. Clergy reserves, taken in the Huron Tract.
Deduct for Roads -	15,982,002 450,000	2,142,145	12,243,838	1,597,019	
Indian lands south of Dundas-street -	15,532,002 318,000	96,400	318,000	- - -	Cl. Res. for Six Nations Indians, in Gore district. Clergy reserves, taken in the Huron Tract.
Canada Com. Block	1,100,000 16,950,002	157,142	1,100,000 13,660,838	- - -	

Surveyor-general's Office,  
Toronto, U. C., 22 Sept. 1838.

R. B. Sullivan,  
Surveyor-general, U. C.

No. 15.—STATEMENT OF THE ANNUAL SALES AND RECEIPTS OF CROWN LANDS AND CLERGY RESERVES, by the COMMISSIONER OF CROWN LANDS; together with the ANNUAL PRODUCE OF THE TIMBER DUTIES, from the Year 1826 to 30th June 1838, inclusive.

CROWN LANDS.				CLERGY RESERVES.				WOODS AND FORESTS.				REMARKS.
Year.	Number of Acres Crown Land sold in each Year.	Total Amount for which sold in each Year.	Principal Amount received in each Year.	Year.	Number of Acres Clergy Reserves sold in each Year.	Average Price per Acre.	Total Amount for which sold in each Year.	Principal Amount received in each Year.	Year.	Annual Produce of Timber Duties.	Cy £. s. d.	
1826	-	-	-	1826	-	-	-	-	-	-	-	<p>The timber duties for the years 1826-1827 were collected by Robert Sheriff, Esq., before the appointment of Commissioner for Crown lands, upon the sale of clergy reserves and surveys granted of woods and forests, which appointment took place in 1828; this department has consequently no knowledge of the amount collected in those years.</p> <p>(A.) The amount of arrears due on Crown lands, exclusive of interest, is 23,098<i>l.</i> 10<i>s.</i> 6<i>d.</i></p> <p>(A.) (B.) These columns include sales and receipts of towns and park lots.</p> <p>(B.) (C.) These columns show amount of principal only.</p> <p>from 10 May to 31 December.</p>
1827	-	-	-	1827	-	-	-	-	-	-	-	
1828	two water lots	25 <i>s.</i> - -	6 <i>s.</i> - -	1828	none sold	-	-	-	1828	4,176 19 2	-	
1829	3,883	2,940 17 3	823 6 10	1829	18,014	14/8	13,220 - -	2,465 1 3	1829	3,097 3 3	-	
1830	6,147	4,409 3 -	1,405 16 6	1830	34,705	13/6	23,453 4 -	6,216 1 11	1830	7,673 - 2	-	
1831	4,365	2,483 4 4	1,722 7 8	1831	28,563	12/1	17,362 12 1	8,010 2 11	1831	9,662 5 2	-	
1832	10,352	5,038 17 9	2,365 2 2	1832	48,484	13/3	32,387 19 -	10,239 9 7	1832	6,577 12 5	-	
1833	26,417	13,253 8 3	6,294 16 9	1833	64,282	14/4	44,747 19 9	14,080 16 8	1833	1,928 12 3	-	
1834	8,891	5,195 4 11	3,817 6 8	1834	59,536	13/10	41,376 18 7	14,467 9 5	1834	3,059 9 9	-	
1835	22,707	9,041 11 2	5,205 5 2	1835	59,003	13/10	40,273 15 8	17,000 3 5	1835	8,583 - 3	-	
1836	7,923	6,551 12 11	5,617 12 3	1836	63,440	12/11	40,984 14 5	18,473 3 7	1836	4,285 17 11	-	
1837	7,003	6,187 6 10	5,302 10 7	1837	81,549	12/9	52,253 7 4	18,318 6 8	1837	4,077 14 4	-	
1838 to 30 June.	2,527	1,526 4 7	1,015 6 9	1838 to 30 June.	11,173	13/4	7,481 9 3	5,346 19 3	1838 to 30 June.	4,064 11 1	-	
	100,317	56,879 11 -	33,853 - 5		466,742		314,150 - 2	114,618 14 10		58,085 4 11	-	
		(A.)	(B.)					(C.)				

Crown Lands Office, Toronto, 29 September 1838.

B. B. Sullivan, Com. C. Lands.

## No. 18.

A STATEMENT of the Quantity of LAND, described, located, or for which authorities are lodged in the Surveyor-general's Office in favour of U. E. Loyalists and Militia Claimants.

## U. E. LOYALISTS.

Acres unlocated.	Acres located.	Acres described.	TOTAL.
381,950	150,800	2,734,939	3,267,689

## MILITIA CLAIMANTS.

204,332	124,376	402,001	730,709
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Surveyor-general's Office, Toronto,  
12 September 1838.

R. B. Sullivan,  
Surveyor-general.

## No. 17.

A RETURN of the NUMBER of ACRES of CROWN LANDS granted from July 1804 to January 1810, under the Regulations of the 6th July 1804, subject to the payment of Fees.

Total - - - - - 388,263 Acres.

Surveyor-general's Office, Toronto,  
10 October 1838.

J. Radenhurst.

## No. 18.

A RETURN of the NUMBER of ACRES of CROWN LANDS granted under the Regulations of the 1st January 1820.

Total - - - - - 72,228 Acres.

Surveyor-general's Office, Toronto,  
2 October 1838.

J. Radenhurst.

## No. 19.

A RETURN of the NUMBER of ACRES of CROWN LANDS described for Patent during the time Settlement Duty was in force, namely from the 14th November 1818 to the 1st July 1835.

Total - - - - - 2,078,487 Acres.

Surveyor-general's Office, Toronto,  
10 October 1838.

J. Radenhurst.

## No. 20.

A RETURN of the NUMBER of ACRES of GOVERNMENT LANDS for which Descriptions have issued since the 1st of July 1835, the period at which Settlement Duties were dispensed with on Grants to U. E. Loyalists and Militiamen.

Total - - - - - 1,062,300 Acres.

Surveyor-general's Office, Toronto,  
4 October 1838.

J. Radenhurst.

## No. 21.

A RETURN of the NUMBER of ACRES of CROWN LANDS granted under the Regulations of 1825 (without purchasing).

Total - - - - - 15,100 Acres, being under the quit rent system.

Surveyor-general's Office, Toronto,  
10 October 1838.

J. Radenhurst.

N.B.—The original grantees, under this regulation, on application to the Lieutenant-governor in Council, now receive their patents on payment of the fees of 1804; the regulation itself has become obsolete.

J. Radenhurst.

## No. 22.

## A RETURN of the NUMBER of ACRES of LAND granted to discharge Soldiers and Seamen.

Previous to the 31st December 1825 - - - 112,200 Acres.

Subsequent to 31st December 1825 - - - 337,200 Acres.

Surveyor-general's Office, Toronto,  
16 October 1838.

J. Radenhurst.

## No. 23.

## A RETURN of the NUMBER of ACRES of CROWN LANDS granted to Magistrates and Barristers.

Total - - - - - 235,500 acres.

Surveyor-general's Office, Toronto,  
15 October, 1838.

J. Radenhurst.

## No. 24.

## A RETURN of the NUMBER of ACRES of CROWN LANDS granted to Clergymen of different denominations.

SECT.	NO. OF ACRES.
Church of England - - -	29,000
Presbyterian - - -	3,000
Roman Catholic - - -	4,700
Total Acres - - -	36,900

Surveyor-general's Office, Toronto,  
15 October 1838.

J. Radenhurst.

## No. 25.

## A RETURN of the NUMBER of ACRES of CROWN LANDS granted to Executive Councillors and their Families.

NAME OF THE GRANTEE.	No. of ACRES.	Date of the Orders in Council.
Hon. Alexander Grant - - -	6,000	10th July 1793 and July 1799.
Alexander Grant, jun. - - -	1,200	
Bella Grant - - -	1,200	21st August 1796.
Archange Grant - - -	1,200	
Phillis Grant - - -	1,200	
Theresa Grant - - -	1,200	
Betsy Grant - - -	1,200	
Nelly Grant - - -	1,200	10th June 1797.
Nancy Grant - - -	1,200	
Mary Grant - - -	1,200	
Mrs. Theresa Grant - - -	1,200	
Hon. Peter Russell - - -	6,000	17th October 1792 and 1st July 1799.
Sister of } Elizabeth Russell - - -	1,200	18th July 1795.
Peter Russell.		
Hon. Henry Alcock - - -	6,000	1st December 1798 and 9th Feb. 1807.
Family of } Catherine H. Alcock - - -	1,200	1st December 1798.
H. Alcock.	1,200	
Mrs. Hannah Alcock - - -		

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NAME OF THE GRANTEE.		No. of Acres.	Date of the Orders in Council.
Family of S. Smith, as the children of a U. E. Loyalist.	Hon. Samuel Smith - - - -	4,280	23d July 1793.
	Samuel Boies Smith - - - -	1,200	1st December 1836.
	Ann Smith - - - - -	1,200	8th May 1839.
	Isabella Smith - - - - -	1,200	
	Fmma L. Smith - - - - -	1,200	
	Catherine Smith - - - - -	1,200	
Family of D. W. Smith.	Harriet L. Smith - - - - -	1,200	12th January 1837.
	Hon. David William Smith - - -	7,200	11th July 1795, 10th June 1797 and 1st July 1799.
	Mrs. Ann Smith - - - - -	1,200	
	Mary Elizabeth Smith - - - -	1,200	6th October 1796.
	Sarah Smith - - - - -	1,200	
	David W. Smith, jun. - - - -	1,200	21st April 1798. 6th October 1796.
Family of John Elmsley.	John Smith - - - - -	1,200	
	Mrs. Ann Smith (widow) - - -	1,200	
Wife of John Elmsley.	Hon. John Elmsley - - - - -	6,000	1st July 1799.
	Mrs. Mary Elmsley - - - - -	-	15th June 1797.
Wife of James Baly.	Hon. James Baly - - - - -	6,000	1st July 1799.
	Mrs. Susan Baly - - - - -	1,200	23d July 1793.
Wife of John M'Gill.	Hon. John M'Gill - - - - -	6,000	4th July 1799.
	Mrs. Catherine M'Gill - - - -	1,200	6th October 1796.
Hon. William Dummer Powell - -		6,000	29th Dec. 1788, 1st 1794, 31st Mar. 1797 and 7th Dec. 1802.
Family of W. D. Powell.	Mrs. Hannah Powell - - - - -	1,200	3d January 1797.  11th December 1797.
	John Powell - - - - -	1,200	
	Grant Powell - - - - -	1,200	
	Jeremiah Powell - - - - -	1,200	
	Thomas Powell - - - - -	1,200	
	Ann Powell - - - - -	1,200	
	Elizabeth Powell - - - - -	1,200	
	Mary Boyles Powell - - - - -	1,200	
Family of Wm. Claus.	Hon. William Claus - - - - -	2,000	26th Jan. 1797 and 14th June 1811
	William Claus, jun. - - - - -	1,200	19th January 1818.
	John Claus - - - - -	1,200	3d November 1836.
	Warren Claus - - - - -	1,200	8th August 1833.
	Mrs. Catherine Claus - - - - -	1,200	19th January 1818.
	Mrs. Ann Claus, widow of Lieutenant- colonel Claus - - - - -	5,000	14th April 1798.
Family of Eneas Shaw.	Hon. Eneas Shaw - - - - -	6,000	29th July 1795 and 1st July 1799.
	Eneas Shaw, jun. - - - - -	1,200	27th April 1796.
	Alexander Shaw - - - - -	1,200	
	Charles Shaw - - - - -	1,200	
	George Shaw - - - - -	1,200	
	John Shaw - - - - -	1,200	
	Richard Shaw - - - - -	1,200	
	Isabella Shaw - - - - -	1,200	
	Sophia Shaw - - - - -	1,200	
	Ann Shaw - - - - -	1,200	5th September 1833.
	Charlotte Steuart Shaw - - - -	1,200	5th September 1833.
	Mary Ralston - - - - -	1,200	12th August 1833.
Hon. Predeaux Selby - - - - -		2,000	27th July 1797.
Hon. Thomas Scott - - - - -		1,200	1st June 1802.
Son of John G. Simcoe.	Hon. Colonel John G. Simcoe - -	5,000	9th July 1794.
	Francis G. Simcoe - - - - -	1,200	18th June 1795.
Family of John Small, Clerk of the Executive Council.	John Small, Esq. - - - - -	3,700	3d August 1795, 4th Dec. 1806.
	Mrs. Eliza Small - - - - -	1,200	6th October 1796.
	Joseph A. Small - - - - -	780	4th October 1796.
	John R. Small - - - - -	1,200	14th March 1811.
	James E. Small - - - - -	1,200	14th March 1811.
Total Acres -		136,960	

## No. 26.

A RETURN of certain large GRANTS made to LEGISLATIVE COUNCILLORS and their Families.

NAME OF THE GRANTEE.		No. of Acres.	Date of the Orders in Council.
Family of Robert Hamilton.	Hon. Robert Hamilton - - - -	6,060	17th January 1797.
	Robert Hamilton, jun. - - - -	1,200	
	George Hamilton - - - -	1,200	
	Alexander Hamilton - - - -	1,200	
	James Hamilton - - - -	1,200	17th January 1797.
	Samuel Hamilton - - - -	1,200	
	William R. Hamilton - - - -	1,200	
	John Robertson Hamilton - - - -	1,200	
Family of Richard Cartwright.	Hon. Richard Cartwright - - - -	4,422	21st June 1794, 6th Jan. 1796 and 4th June 1796.
	Mrs. Magdalen Cartwright - - - -	1,200	
	James Cartwright - - - -	1,200	
	Richard Cartwright, jun. - - - -	1,200	7th June 1797.
	Hannah Cartwright - - - -	1,200	
	Mary Cartwright - - - -	1,200	
Family of John Munro.	Hon. John Munro - - - -	3,200	29th June 1793.
	Harry Munro - - - -	1,200	
	John Munro, jun. - - - -	1,200	
	William Munro - - - -	1,200	
	Cornelia Munro - - - -	1,200	1st July 1797.
	Christiana Munro - - - -	1,200	
	Charlotte Munro - - - -	1,200	
	Mary Munro - - - -	1,200	
Hon. Henry Hay - - - -		5,000	22d June 1793.
	" Thomas Fraser - - - -	6,793	14th August 1797.
Total Acres - - - -		43,475	

Surveyor general's Office, Toronto,  
6th October 1838.

J. Radenhurst.

## No. 27.

SCHEDULE showing the COMPENSATIONS made to CONTRACTORS and SURVEYORS for making  
SURVEYS in the Province of Upper Canada.

Names of Contractors and Surveyors.	Contractor.	Surveyor.	Townships surveyed.	Acres.
William Browne - - - -	-	Sr.	Plantagenet - - - -	2,709
James G. Chewett - - - -	-	"	Medonte - - - -	2,803
Mahlon Burwell - - - -	-	"	Lobo - - - -	2,195
William Browne - - - -	-	"	Seymour - - - -	3,515 1/2
Daniel McIntire - - - -	Cr.	-	Madoc, part of - - - -	1,200
Ezekiel Benson - - - -	-	Sr.	Mono - - - -	2,544
Ezekiel Benson - - - -	-	"	Easa - - - -	3,253
Ezekiel Benson - - - -	-	"	Adjala - - - -	2,310
James G. Chewett - - - -	-	"	Oro - - - -	3,103
James G. Chewett - - - -	-	"	Albion - - - -	2,635
Gabriel Lount - - - -	-	"	West Gwillimbury - - - -	1,960
George Richard Ferguson - - - -	Cr.	-	Tyendinaga, part of - - - -	1,331
Samuel Ryckman - - - -	-	Sr.	Eramosa - - - -	2,030
Samuel Ryckman - - - -	-	"	Nasagwiweya, north half of - - - -	973
Samuel Ryckman - - - -	-	"	Caledon, west part of - - - -	1,685
Daniel McIntire - - - -	Cr.	-	Madoc, part of - - - -	1,130
Thaddeus Davis - - - -	-	"	Nissouri - - - -	4,250
Thaddeus Davis - - - -	-	"	Zorra - - - -	5,009
Daniel McIntire - - - -	-	"	Madoc, part of - - - -	1,120
James Pearson - - - -	-	"	Innisfil - - - -	3,440
James G. Chewett - - - -	-	Sr.	Caledon, east part of - - - -	1,400
Abraham Nelles - - - -	Cr.	-	Esqueping, north part of - - - -	1,400
Abraham Nelles - - - -	-	"	Erin, south half of - - - -	1,720
Gabriel Lount - - - -	-	Sr.	Tecumseth - - - -	2,350

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No. 27.—SCHEDULE showing the Compensation made to Contractors and Surveyors, &amp;c.—continued.

Names of Contractors and Surveyors.	Contractor.	Surveyor.	Townships surveyed.	Acres.
Mahlon Burwell	-	Sr.	Houghton	1,505
Billa Flint	Cr.	-	Marmora	3,438
Zaccheus Burnham	-	-	Otonabee	3,150
Mahlon Burwell	-	Sr.	Yarmouth, north part of	1,026
Timothy Street	Cr.	-	Southwold, south part of	719 $\frac{1}{2}$
John Galbraith	-	Sr.	Chinguacousy, part of	1,900
Timothy Street	Cr.	-	Mariposa	3,553
Timothy Street	-	-	Toronto (township) part of	1,000
Timothy Street	-	-	Trafalgar, part of	850
Timothy Street	-	-	Esquering, part of	800
Richard Bristol	-	Sr.	Toronto, part of	600
Richard Bristol	-	-	Chinguacousy, part of	1,800
Richard Bristol	-	-	Esquering, part of	800
Richard Bristol	-	-	Trafalgar, part of	600
Reuben Sherwood	-	-	Nasagiwaga, part of	1,000
Reuben Sherwood	-	-	Nelson, part of	1,000
Reuben Sherwood	-	-	Toronto, the Gore of	900
Thomas Smith	-	-	Sombra	4,445
Mahlon Burwell	-	-	Mosa	2,237
James G. Chewett	-	-	Vespra	1,970
Zaccheus Burnham	Cr.	-	Asphodel	1,820
John Edward White	-	Sr.	Thora	2,216
Andrew Borland and William Roe	Cr.	-	Orillia	3,851
John M'Donald	-	Sr.	Clarence	4,201
John M'Donald	-	-	Gloucester, part of	2,463
Duncan M'Donell	-	-	Cumberland, & part of Gloucester	5,618
Duncan M'Donell	-	-	Gloucester, part of	1,331
William Browne	-	-	Alfred	1,320
John Smyth	Cr.	-	Elzevir	3,447
John Bostwick	-	Sr.	Westminster	1,418
Thomas Horner	Cr.	-	Dawn	3,773
Samuel M. Benson	-	Sr.	Hungerford	2,466
Allan Robinet	Cr.	-	Toronto	2,240
Allan Robinet	-	-	Mono, west part of	960
Samuel Ryckman	-	Sr.	Erin, north part of	1,793
Samuel Ryckman	-	-	Garrafraxa	4,631
William Browne	-	-	Plantagenet, Gore of	1,476
Billa Flint	Cr.	-	Levant	1,818
Billa Flint	-	-	Torbolton	795
Billa Flint	-	-	Fitzroy	1,885
Billa Flint	-	-	Pakenham	1,920
Billa Flint	-	-	Darling	2,880
Samuel M. Benson	-	Sr.	Sheffield	3,158
John Goessmau	-	-	Tiny	3,803
Billa Flint	Cr.	-	Palmerston	3,114
Allan Robinet	-	-	Mulmur	3,579
Allan Robinet	-	-	Amaranth	3,248
Mahlon Burwell	-	Sr.	Zone	2,950
Mahlon Burwell	-	-	Gosfield	916
Mahlon Burwell	-	-	Raleigh	2,179
Abraham Nelles	Cr.	-	Harvey	6,100
Abraham Nelles	-	-	Burleigh	4,136
Abraham Nelles	-	-	Emily	1,114
Mahlon Burwell	-	Sr.	Howard	1,714
William M'Donald	-	-	Russell	2,550
Charles Hayes	Cr.	-	Belmont, Lake and Methuen	8,535
Samuel M. Benson	-	Sr.	Hinchinbrook	2,437
Samuel M. Benson	-	-	Pedford	2,858
Abraham Nelles	Cr.	-	Blanford	1,129
John Smyth	-	-	Kaladar	3,368
James Kirkpatrick	-	Sr.	Fenelon	4,147
Mahlon Burwell	-	-	East Tilbury	2,494
Mahlon Burwell	-	-	West Tilbury	2,306
Mahlon Burwell	-	-	Middleton	1,667
Charles Fothergill	Cr.	-	Verulam, part of	1,870
Reuben Sherwood	-	Sr.	Mac Nab	5,128
George S. Bolton	Cr.	-	Verulam, part of	1,870
Owen Quinn	-	Ex.	Horton	1,080
Allan Robinet	Cr.	-	Melancthon, part of	1,300
James G. Chewett	-	Sr.	Mara	2,484
Duncan M'Donell	-	-	Ops	3,054
Henry Ewing	-	-	Eldon	4,103

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No. 27.—SCHEDULE showing the Compensation made to Contractors and Surveyors, &amp;c.—continued.

Acres.

Name of Surveyors and Contractors.	Contractor.	Surveyor.	Townships surveyed.	Acres.
Mahlon Burwell	-	Sr.	Sandwich	1,578
Mahlon Burwell	-	"	Maldstone	2,128
Mahlon Burwell	-	"	Rochester	1,584
Mahlon Burwell	-	"	Orford, part of	600
Mahlon Burwell	-	"	Orford, part of	354
William McDonald	-	"	Osgoode	5,010
John Smyth	Cr.	-	Olden	3,034
John Smyth	-	"	Kenebec	3,456
John Smyth	-	"	Oso	2,475
Angus Cattanauch	-	Sr.	Roxborough, part of	1,009
Zaccheus Burnham	Cr.	-	Douro	1,669
Zaccheus Burnham	-	"	Dummer	2,988
Andrew Borland and William Roe	-	"	Tay	1,930
Mahlon Burwell	-	Sr.	Carradoc, part of	1,182
Mahlon Burwell	-	"	Southwold, part of	700
Mahlon Burwell	-	"	Harwich	3,475
TOTAL				264,950

## No. 28.

A RETURN of NUMBER of ACRES patented to the CANADA COMPANY		Acres.
Appropriated	-	1,393,388
In Blocks	-	1,100,000
Scattered Crown reserves	-	1,384,413
		<u>2,484,413</u>
Remaining	-	<u>1,091,925</u>

Surveyor-general's Office, Toronto, U. C.  
5 September 1838.

J. Radenhurst.

## No. 29.

A RETURN of the NUMBER of ACRES of CROWN LANDS disposed of by SALE, for which Descriptions have issued.	
Total	- 55,084½ Acres.

Surveyor-general's Office, Toronto,  
4 October 1838.

J. Radenhurst.

## No. 30.

A RETURN of the NUMBER of ACRES of CLERGY RESERVES, for which Descriptions have issued.	
Total	- 73,806½ Acres.

Surveyor-general's Office, Toronto,  
4 October 1838.

J. Radenhurst.

## No. 31.

A RETURN of the NUMBER of ACRES of SCHOOL LANDS, under Patent; viz.—	
	<u>20,677 Acres.</u>

Surveyor-general's Office, Toronto,  
10 October 1838.

J. Radenhurst.

## No. 32.

RETURN of LANDS granted to OFFICERS of the ARMY and NAVY in lieu of REMISSION MONEY.	
Total	- <u>92,526 Acres.</u>

Surveyor-general's Office, Toronto,  
10 October 1838.

J. Radenhurst.

## No. 33.

A RETURN of the NUMBER of ACRES of CROWN LANDS located but not described for Patent, exclusive of such as have been sold by the Commissioner of Crown Lands, and of those included in the sale to the Canada Company.

Total - - - - - 795,400 Acres.

Surveyor-general's Office, Toronto,  
16 October 1838.

J. Radenhurst.

## No. 34.

RETURN of the NUMBER of ACRES of LAND for which Orders in Council are filed in the Surveyor General's Office, which remain unlocated; viz.—

To emigrants, &c., subject to the payment of fees - - - 86,050 Acres.

To reduced officers, soldiers and seamen - - - 108,360 Acres.

To provincial militiamen - - - 85,400 Acres.

To United Empire Loyalists and Military claimants who served during the revolutionary war with the United States - - - 995,200 Acres.

Surveyor-general's Office, Toronto,  
16 October 1838.

J. Radenhurst.

## No. 35.

INSTRUCTIONS from the Right honourable the Lords Commissioners of His Majesty's Treasury, to *Peter Robinson, Esq.*, Commissioner for the Sale and Management of Crown Lands in the Province of *Upper Canada*.

WHEREAS his Majesty, by a commission bearing date the 17th day of July 1827, did nominate and appoint you, the said *Peter Robinson*, to the office and trust of commissioner for the sale and management of Crown lands in the province of *Upper Canada*, and did strictly enjoin you to follow such orders and directions as you might from time to time receive from the Commissioners of his Majesty's Treasury, or from any one of his Majesty's principal Secretaries of State, or from the Governor or officer administering the government of the province of *Upper Canada* for the time being: Now we, the Commissioners of his Majesty's Treasury, do hereby require and enjoin you to govern yourself in the execution of the duties of your said office by the following instructions:—

That you do forthwith repair to *Canada*, and report your arrival to the Governor or officer administering the government, and lay before him his Majesty's commission appointing you to the said office, and these our instructions for the guidance of your conduct in the execution of the duties thereof.

That you do immediately upon your arrival enter into security to the satisfaction of the Governor or officer administering the government, yourself in 5,000*l.*, and two sureties in 2,500*l.* each, that you will diligently and faithfully perform the duties of your said office, and duly account for, and pay over all monies which may come to your hands in the execution thereof.

That as soon as possible after your arrival you do proceed to ascertain the nature and particulars of all the Crown property within the said province under the following heads:—

Waste lands in those districts of the colony which have not heretofore been surveyed or laid out.

Waste lands in those districts of the colony which have been surveyed and laid out, but no part of which has been granted.

Ungranted lands and Crown reserves in those districts where grants have been made.

Lands which have been granted in perpetuity upon payment of quit or other rents.

Lands and reserves which have been granted upon leases for series of years upon reserved rents or otherwise.

That you do make an annual report of the progress you may have made in ascertaining these particulars to us, or to the Commissioners of the Treasury for the time being, and also to the Governor or officer administering the government of the province of *Upper Canada*.

That no lands or other Crown reserves arising from lands within the province of *Upper Canada*, be hereafter disposed of or granted, except upon the following conditions:—

By actual sale, or in cases of poor settlers by grants, subject to quit rents in the manner hereafter directed.

That you do from time to time, and at least once in every year, submit to the Governor or officer administering the government, a report of the total quantity of each district of Crown property, within each district of the reserve, so far as you may then have ascertained the same, together with your opinion of the quality of each description of property



property which it may be expedient to offer for sale within the then ensuing year, and the upset price per acre at which you would recommend the several descriptions of property to be offered, obtaining previously a certificate from the surveyor-general of woods and forests within the province, that the land proposed to be offered by you does not contain any considerable quantity of valuable timber fit for his Majesty's navy, or for any other purposes, it being the intention that no grant of the land upon which such timber may be growing should be made until the timber is clear.

That if the Governor or officer administering the government should be pleased to sanction the sale of the whole or any part of the land recommended by you, to be sold at the upset price recommended by you, or at any other price which he may name, you will proceed to the sale in the following manner:—

You will give notice in the York Gazette and in such other newspaper as may be circulating in the province, as well as in any other manner that circumstances will admit of, of the time and place appointed for sale of the lands in each district, and of the upset price at which the lots are proposed to be offered: that the lots will be sold to the highest bidder, and if no offer should be made at the upset price, that the lands will be reserved for future sale in a similar manner by auction.

That no lot should contain more than 1,200 estimated acres.—You will also state in the notices of the conditions of the sale, that the purchase-money is to be paid by four instalments, without interest, the first instalment at the time of the sale, and the second, third and fourth instalments at the intervals of a year.

That if the instalments are not regularly paid the deposit will be forfeited, and the land again referred to sale.

In case of purchasers of land at any sale, not exceeding 200 acres, being unable to advance the purchase-money by instalments as proposed, you may permit the purchaser to occupy the same upon a quit rent, equal to five per cent. upon the amount of the purchase-money, one year's quit rent to be paid at the time of sale in advance, and to be paid annually in advance afterwards; upon the failure of regular payment, the lands to be again referred to auction and sold; the quit rent upon lands so purchased in this manner to be subject to redemption upon payment of 20 years' purchase, and parties to be permitted to redeem the same by any number of instalments, not exceeding four, upon the payment of not less at any one time than five years' amount of quit rent, the same proportion of the quit rent to cease. In case, however, the parties should fail regularly to pay the remainder of the quit rent, the same to be deducted from the instalment paid, and the land to be resold by auction whenever the instalment may be absolved by the accruing payment of the remainder of the quit rents.

That public notice should be given in each district in every year, stating the names of the persons in each district who may be in arrear, either for the instalments of their purchase, or for quit rents, and that if the arrears are not paid up before the commencement of the sales in that district for the following years, that the lands in respect of which the instalments or quit rents may be due will be the first lot to be exposed to auction at the ensuing sales, and if any surplus of the produce of the sale of each lot should remain, after satisfying the Crown for the sum due, the same will be paid to the original purchasers of the land who made default in payment.

That no land be granted at any other time than at the current sales in each district, except upon application from poor settlers who may not have been in the colony more than six months preceding the last annual sale.

That settlers so circumstanced may be permitted to purchase land, not exceeding 200 acres each, at the price at which it may have been offered at the last annual sale, and not purchased, and may pay for the same, or by quit rent computed at five per cent. on the sale price, and thenceforth these persons shall be considered as entitled to all the privileges, and be subject to the same obligations, as they would have been subject to if they had purchased the land at the last sale.

In cases of settlers who shall be desirous of obtaining grants of land in districts not surveyed, or in districts in which no unredeemable grants have been made, you will, under the authority of the Governor, at any time within the period of seven years from the date hereof, grant permission of occupancy to any such settlers for lots of land not exceeding 200 acres, upon condition that they shall pay a quit rent for the same equal to five per cent. upon the estimated value of the land at the time such occupancy shall be granted, and the persons to whom license of occupation may be made shall have liberty to redeem such quit rent at any time before the expiration of the seven years, upon the payment of 20 years' purchase of the amount, and at any time after the termination of the seven years, upon the payment of any arrears of quit rent which may be then due, and 20 years' purchase of the annual amount of the rent.

That no patent shall be granted until the whole of the purchase-money shall have been paid; nor any transfer of the property made, except in case of death, until the whole of the arrears of the instalments or quit rent shall have been paid.

That the purchase-money for all lands, as well as the quit rents, shall be paid to you, or to such persons as you may appoint, at the times and places to be named in the condition of the sale.

You will give public notice, that you have received instructions to apply to all persons holding lands from the Crown in perpetuity, upon the payment of quit rents, as well as to all persons holding lands upon lease for term of years for payment of the rents which may be due from them respectively, to commence from the 1st of January 1827; and

you will, at any time within seven years from the date hereof, sell to the proprietor, at 20 years' purchase, any lands held in free and common soccage (but to no other person whatever), any quit rent which may be payable by them respectively, provided that all arrears up to the end of the year preceding the time of purchase be previously paid.

If these quit-rents are not purchased by the proprietor within the period of seven years from the date hereof, further instructions will be given in regard to the sale by public auction, or otherwise, as may then be deemed expedient.

With respect to the lands upon lease for terms of years, you are desired on no account to sell the same by public auction if the rent is not more than two years in arrear, until the termination of the lease; but if the rent is more than two years in arrear, and if, according to the terms of the lease, the same is void in consequence of the non-payment of the rent, you are at liberty to submit to the Governor or officer administering the government that any such lots should be sold. If, however, previously to the sale the rent is paid up, you will withdraw the same from the sale; and you will at any time sell to the lessee of such lands as may be held under lease, at such price as the Governor or officer administering the government may, upon your recommendation, approve of, the land so held, all arrears of rent being in every case paid up to the end of the year preceding the sale; but in no case at less than 20 years' purchase of the rent.

You will, on the first January and first July in every year, render a complete account of all your sales within the preceding half year to the auditor of provincial accounts, specifying the conditions upon which each lot is sold, and you will at the same period render a complete cash account of the money received and expended by you within the same period, carrying forward to each account any balance which may remain in your hands at the date of the preceding account. And you will, on the first January, first April, first July, and first October in each year, pay over to the receiver-general of the province, any sum which may on those days respectively be in your hands over and above the sum of 500*l.*, which you are permitted to retain for future contingent expenses.

You will not charge the salary and remuneration to which you are entitled under your commission in your accounts, but you will receive the same annually, by warrant of the governor, out of the treasury, which you may have paid into the hands of the receiver of the province in the preceding year.

You are authorized to incur and defray such contingent expenses for authorities, clerks, treasurer and receiver of rents, office-rent, &c., as you may find absolutely necessary, and as the Governor or officer administering the government may sanction and approve, provided, however, that the whole of such contingent expenses shall not exceed one-sixth part of the money to be received by you under his Majesty's commission, and these our instructions.

That you do transmit to us, or to the commissioners of the Treasury for the time being copies of the half-yearly accounts which you may render to the auditor of provincial accounts in Canada, and that the same be transmitted by the first direct conveyance which may offer, after the periods they are respectively rendered.

That in the execution of the duties of the said office you do obey all such orders and directions as you may from time to time receive from us, or the commissioners of the Treasury for the time being, or from any one of his Majesty's principal Secretaries of State, or from the Governor or officer administering the government.

(signed) *MacNaghten.*  
*J. Leveson Gower.*  
*Eliot.*

Whitehall, Treasury Chambers,  
the 18th day of July, 1827.

Instructions to Peter Robinson, Esquire, commissioner for the sale and management of Crown lands in the province of Upper Canada.

No 36.

Quebec, 20 September 1838.

To his Excellency the Lieutenant-governor and Lieutenant-general  
commanding the Canadas, &c. &c. &c.

The humble PETITION of *Edward Shuel*, late an out-pensioner of Chelsea Hospital,  
on one shilling per day, that humbly begs leave to approach your Excellency.

My Lord and Noble Earl,

YOUR most obedient and very humble servant is one of those unfortunate pensioners who have commuted their pension, the only means to support them for life. I am now in a far advanced stage of my life, can neither work or want; I am also deprived of the use of one side of my body totally, from wounds and other circumstances sustained while in the service of our lamented and most gracious Sovereign Lord King George the Third, and in his Majesty's 58th regiment of foot, for the period of 23 years. I only crave that your Excellency, should the same be in the nature of things, and from compassion and pity on this desolate man, to take him into consideration, as he is in the actual support of a wife and six children without any means whatsoever, to recommend him as an object of pity to the Lords Commissioners of Chelsea Hospital, to be re-instated to his former pension of 1*s.* per day,

day, as all he has got for his commute is exhausted in bringing his family here, and their support of food and raiment is now run out and has no more, or no more means, and by so doing or otherwise, I have the honour to be your Excellency's most obedient, most truly devoted, and very humble servant, at command.

(signed) Edward Skul.

## No. 37.

Province du Bas Canada, District de Québec, Comté de Saguenay.

A son Excellence le Très Honorable Jean George Comte *Durham*, Vi-comté Lambton, &c. &c., Chevalier Grande Croix du Très Honorable Ordre Militaire du Bain, l'un des Conseillers du Très Honorable Conseil Privé de Sa Majesté, Gouverneur-général de toutes les Provinces sur et proche le Continent de l'Amérique Septentrionale, &c. &c. &c.

Qu'il plaise à votre Excellence,

Les soussignés habitants des paroisses dans le Comté de Saguenay, par la présente requête,

Exposent très humblement,

Que le sol du Comté de Saguenay est très montagneux, et offre peu de terre propre à la culture, comparativement au chiffre de la population qui est d'environ 20,000 âmes.

Que de nouveaux établissements ont été formés par vos petitionnaires en arrière des concessions primitives à mesure que l'augmentation de la population le rendait nécessaire; mais que plusieurs années d'expérience ont convaincu ceux qui s'y sont retirés, et qui y ont fait des travaux immenses suivis avec la plus grande persévérance, que ces terrains ne sont nullement propres à la culture, tant par la nature du sol que parceque leur position les expose à des gélées prématurées.

Que depuis six ans surtout, ce fléau a causé des ravages affreux et a entièrement privé les habitants des nouvelles concessions de récoltes, et ruiné une très grande partie de leurs habitans, dont des milliers seraient morts de misère et d'inanition sans les secours bienveillans du Gouvernement, et les sacrifices généreux de leurs concitoyens des concessions riveraines.

Qu'il est d'une nécessité impérieuse qu'un grand nombre de vos petitionnaires trouve ailleurs un sol moins ingrat, qui seconde leurs efforts, et leur donne l'espoir de sortir bientôt de l'état de souffrance où ils sont plongés.

Qu'il existe à une petite distance des établissements actuels, et derrière la chaîne de montagnes sur les quelles ils sont situés, une étendue de terre appartenant à la couronne, moins exposé au ravages de la gelée et plus propres à la culture, que les nouvelles concessions des seigneuries situées dans le dit comté de Saguenay; savoir, à partir de la ligne qui divise la seigneurie de Mille Vaches sur le fleuve St. Laurent d'avec le terrain appartenant à la couronne, en remontant le dit fleuve jusqu'à Taddoussac, et de là remontant la Rivière Saguenay jusqu'à Chicoutimy et le lac St. Jean et ses environs, y compris, et au-delà, autant qu'il y aura de terres disponibles.

Que vos requérants qui sont absolument forcés d'abandonner leurs établissements actuels, donneraient la préférence au terrain susdésigné, parcequ'ils pourraient y recevoir de leurs parents et amis les secours que nécessitent de nouveaux établissements; et que la Rivière Saguenay leur offre des moyens de communication faciles avec le St. Laurent.

Que vos petitionnaires se sont assurés, par des visites faites dans différentes saisons, que le terrain dont ils sollicitent l'octroi, est, sous tous les rapports, propre à la culture, et que le climat y est moins rigoureux, et les saisons plus régulières que sur les montagnes qu'ils habitent à présent.

Que vos petitionnaires ont déjà demandé au Gouvernement de Sa Majesté, par l'entremise de la Chambre d'Assemblée, la permission de s'établir sur le terrain en question; et nommément en mil huit cent trente cinq; mais qu'un certain bail des postes du roi, accordé par le Gouvernement de Sa Majesté à l'Honorable Compagnie de la Baie d'Hudson, a été la raison assignée par le Gouvernement d'alors pour différer l'octroi du dit terrain tel que demandé.

Que la dite compagnie ayant obtenu du Gouvernement de Sa Majesté, l'année dernière, la permission de couper et préparer les bois de construction qui se trouvent sur le terrain à elle ainsi baillée, a cédé, aux mêmes conditions qu'elle l'avait obtenu, ce privilège à un nombre de vos requérants qui l'exercent à la satisfaction de la dite compagnie.

Que vos requérants sont portés à croire que la dite compagnie, dont les agents résident sur les lieux, connaissant l'état de souffrance de vos requérants, ne s'opposeraient pas à l'établissement de vos requérants sur le terrain en question, pourvu qu'aucunes entraves ne fussent, par là, mises à leur commerce avec les aborigènes; c'est à quoi vos requérants s'engageraient solennellement.

Que vos requérants prient votre Excellence de vouloir bien être convaincu qu'il est absolument nécessaire qu'une partie des terres vacantes de la couronne soit accordée au surplus de la population du comté de Saguenay, que des années de déprivations et de souffrances inouïes ont réduit à un état affreux de découragement et d'inquiétude.

Pourquoi vos requérants prient humblement qu'il plaise à votre Excellence leur permettre d'entrer sur les terres de la couronne situées, savoir, à partir de la dite ligne qui divise la seigneurie de Mille Vaches, sur le fleuve St. Laurent, d'avec le terrain appartenant à la couronne, en remontant le dit fleuve jusqu'à Taddoussac; et de là remontant la Rivière

Saguenay jusqu'à Chicoutiny et le Lac St. Jean et ses environs y compris, et au-delà autant qu'il y aura de terre disponibles. Pour s'y établir et former des établissements permanents, sous tel système de tenure qu'il plaira à votre Excellence établir, pourvu néanmoins que ce ne soit pas le système féodal qui régit les seigneuries en cette province; et à telles conditions qu'il plaira à votre Excellence leur imposer.

Et vos requérants demandent de plus, qu'il plaise à votre Excellence mettre un terme prochain à leurs souffrances, en se rendant à leur prière, nonobstant l'existence du bail consenti à l'Honorable Compagnie de la Baie d'Hudson, dont vos requérants s'engagent solennellement, et offrent les garanties les plus formelles de respecter les droits résultants du dit bail.

Et vos requérants ne cesseront de prier.

Comté de Saguenay, 1 Août 1838.

No. 38.

CORRESPONDENCE as to the delay in putting Mr. Wingfield in possession of two and a half Lots purchased at a Government sale in the Township of Anderdon.

Sir,

Toronto, 25 September 1838.

On the 31st of August, 1837, I purchased at a Government sale at Sandwich, in the western district, Lots Nos. 10 and 11 in the first concession, and north half of Lot No. 4 in the third concession, together with a gore, lying and being in the township of Anderdon, western district, and containing 320 acres. The conditions of the sale were, that the land was sold with all improvements upon it, and possession to be given immediately upon payment of the first instalment.

I sent my first instalment to Toronto immediately upon making the purchase, and received back my location ticket. In the month of May, relying on the good faith of Mr. Samuel Jarvis's (head of the Indian department) word, who told me I might depend upon the honour of the Government giving me immediate possession, I paid the remainder of the purchase-money, in all 1,088*l.* 15*s.*, and took out my deed, but have, up to the present date of this letter, been forcibly kept out of possession of the house, peach and apple orchards, and all the improved lands in the above-mentioned lots, by the Indians, who complain the Government have not fulfilled their contracts with them. I therefore hope you will represent the case to his Excellency Lord Durham, and that he will place me in peaceable possession of my property, pay me interest for my money, and recompense me for the expense I have consequently incurred, and the danger I have sustained.

I have, &c.

R. D. Hanson, Esq.,  
&c. &c. &c.

(signed) Rowland Wingfield.

Sir,

Toronto, 26 September 1838.

I AM directed by the Commissioners of Inquiry of Crown Lands and Emigration to inform you that they have this day received a letter from Mr. Rowland Wingfield, complaining of his inability to obtain possession of 320 acres of land in the township of Anderdon, western district, sold to him by Government on the 31st of August, 1837, and the whole purchase-money for which, amounting to 1,088*l.* 15*s.*, was paid in the month of April last. They further desire me to request you will have the goodness to furnish them with a statement of the real circumstances of the case, in order that they may be enabled to reply to Mr. Wingfield.

I am, &c.

Hon. R. B. Sullivan,  
Commissioner of Crown Lands,  
&c. &c. &c.

(signed) Henry W. Petre, Secretary.

Sir,

Crown Lands Office, Toronto, 29 September 1838.

IN reply to your letter of the 26th instant, I beg to acquaint you, for the information of the Commissioners of Inquiry of Crown Lands and Emigration, that the land purchased by Mr. Rowland Wingfield, in Anderdon, was described for patent on the 4th of April last in his name.

The difficulty of obtaining possession complained of by Mr. Wingfield arises from a misunderstanding between the Indian occupants and their superintendent, respecting the valuation of certain improvements made by them. I have already referred a similar case to S. P. Jarvis, Esq., chief superintendent of Indian affairs, who will no doubt be able to satisfactorily explain why a delay has occurred in the present case.

I am, &c.

Hon. H. W. Petre,  
Secretary to Commissioners.

(signed) R. B. Sullivan,  
Commissioner of Crown Lands.

Sir,

Toronto, 1 October 1838.

I AM directed by the Commissioners of Inquiry of Crown Lands and Emigration to enclose copies of letters received from Mr. Wingfield and the Commissioner of Crown Lands, relative to the purchase, by the former gentleman, of two-and-a-half lots in the township of Anderdon; and I shall be obliged by your informing me of the grounds upon which possession has been withheld from him.

I am, &amp;c.

S. P. Jarvis, Esq.,  
Chief Superintendent of Indian Affairs.

(signed) *Henry W. Petre*, Secretary.

Sir,

Indian Office, Toronto, 2 October 1838.

I HAVE the honour to acknowledge the receipt of your letter of the 1st instant, on the subject of some land purchased by Mr. Rowland Wingfield, in August 1837, at a Government sale, in the township of Anderdon, and requesting to be informed why possession had been withheld from Mr. Wingfield, to whom a deed had issued on payment of the purchase-money.

In reply I beg leave to observe, that the delay of which Mr. Wingfield complains may have been occasioned by a demand on the part of some of the Indians to be paid the value of the soil, which they had agreed to evacuate to enable Government to dispose of the same, and with the proceeds establish a fund for the general purposes of the tribe; which demand, if acceded to, would (it was conceived) not only be prejudicial to the general interests of the tribe, but would defeat, in some degree, the very object the tribe had in view when they resolved to sell a portion of their reserve.

I enclose an extract from Sir George Arthur's reply to a deputation of chiefs, who addressed his Excellency on the subject of the sale of this reservation, by which you will perceive that nothing now delays the payment of the full sum claimed but the consent, in writing, of the tribe.

I have, &amp;c.

Hon. H. W. Petre,  
&c. &c. &c.

(signed) *S. P. Jarvis*.

No. 39.

PAPER furnished by *S. P. Jarvis*, Esq. Chief Superintendent of Indian Affairs, in reply to Queries submitted to him by the Commissioners of Crown Lands and Emigration.

Sir,

I AM directed by the Commissioners of Crown Lands and Emigration, to request that you will furnish them with information on the subject of the Indians in the province, and the property to which they are entitled, under the following heads.

I am, &amp;c.

*H. W. Petre*, Secretary to Commission.

## 1. Number of Indians within the colony?

It is impossible to answer this question correctly. The bands of Indians inhabiting the country north of Lakes Huron and Superior are numerous.

The resident Indians within the province are as follows:—The Chippewas of the St. Clair Rapids, Chevall Ecarté, River aux Sables—Number, 911.

The Hurons of Amherstburgh; the Chippewas of Amherstburgh; the Shawanees of Amherstburgh; the Munsees of Amherstburgh—Number, 197.

The Chippewas of Delaware; the Munsees of Delaware; the Moravians of Delaware—762.

The Six Nations, 2,149.

The Mississagas of River Credit, 240.

The Mississagas of Rice Lake, 135.

The Mississagas of Mud Lake, 159.

The Mohawks of the Bay of Quinté, 337.

The Mississagas of Grape Island, 214.

The Chippewas of Cold Water and the Narrows, 420.

The Chippewas of Manitoulin Island, Lake Huron, 188.

The Ottawas of Manitoulin Island, Lake Huron, 80.

The Chippewas of La Cloch and Mississaging, 225.

The Chippewas of St. Joseph, 90.

The Chippewas of St. Mary's, 90.

The Chippewas between Manatouwanning and Penetanguishine.

The Chippewas of Lake Nipissing, 69.

The Pottawatamies of Sanging, 238.

The Chippewas of Sanging, 152.

The Chippewas of Michipicoton, 57.

Besides these, there are of Pottawatamies, Chippewas, Ottawas and Minonunies, from 1,800 to 2,000, who chiefly reside on the shores of Lake Michigan, and on the south shores of Lake Superior, but who nevertheless consider themselves as owing allegiance to the British Crown.

3.—III.

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## 2. The quantity of land which they hold ?

The Upper St. Clair Indian reserve contains about 9,000 acres. The lower reserve extends one mile in front on the River St. Clair, and about four miles in depth. There are several islands which the Indians claim, which may contain about 5,000 acres.

The reserves at the River aux Sables contain about 5,000 acres.

The Huron reserve, near Amherstburgh, extends six miles along the River Detroit, and is seven miles in depth.

Point Pele contains about 3,500 acres.

The Chippawas of the River Thames have about 12,000 acres in the township of Carradoc.

The Moravians Detawarco occupy a tract of about 26,000 acres in the township of Zone, and 25,155 acres in the township of Oxford.

The Six Nations had originally six miles on either side of the Grand river, from the mouth to the source of the river. They have still left about 200,000 acres.

The Mississagas of the River Credit have rather more than 3,000 acres, near to the mouth of the river.

The Mississagas of Rice and Mud Lakes, including the Alawack settlers, about 6,000 acres.

The Mohawks of the Bay of Quinte, about 58,000 acres.

The Chippawas of Lakes Huron and Simcoe, residing at the Narrows and Coldwater, until very lately possessed a tract of about 9,000 acres. They have recently surrendered it to Government, for the purpose of being sold.

They are now in treaty for the purchase of about 1,000 acres on the east side of Lake Simcoe, where they propose erecting a village.

The Great Manitouwanning island, which is especially reserved for the use of all Indians who may be disposed to settle upon it, contains from 800,000 to 1,000,000 of acres.

The tribes at La Cloch, Mississaging, and those tribes residing to the north of Lakes Huron and Superior, consider the vast extent of country which they occupy as hunting grounds belonging to them.

The Pottawatamities, and Chippawas of Sanging, on the south shore of Lake Huron, claim the peninsula north of Owen's Sound to Cahot's Head.

## 3. The manner in which their lands have been acquired; whether by grant from Government, or by being permitted to retain part of their original possessions ?

The Six Nations Indians, including the Mohawks of the Bay of Quinte, held their reserves by grant from the Crown. The territory was purchased of the Mississagas for the express purpose of being given to those tribes, as a reward for their fidelity and services during the old American war.

The most of the land occupied by Indians in other parts of the province are special reserves in their original possessions, made by themselves when they sold the adjacent lands to Government.

There are, however, some few tracts in the Newcastle district which have been reserved by Government for the use of the Mississaga Indians, and some which have been purchased by the Indians themselves; viz. at the Rice and Mud Lakes, and at Balsam Lake.

## 4. The manner in which the land is held, whether by individuals or the tribe ?

The Indians in all cases hold their lands in joint tenancy, to them and their posterity.

## 5. Whether they are permitted to sell it, and upon what terms ?

They are not permitted to sell, lease, or in any other manner dispose of their lands, but with the consent and concurrence of Government.

Should they do so, the land thus sold, or otherwise disposed of, reverts to the Crown. See Royal Proclamation, dated St. James's, 1763.

## 6. The quantity actually sold ?

This query can best be answered by reference to the surveyor-general's office.

## 7. The value received for it ?

The commissioner of Crown lands can best answer this query.

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No. 40.

COPY of CIRCULAR LETTER addressed by Secretary of Commission of Inquiry of Crown Lands and Emigration, to Sheriffs of each District in *Upper Canada*, and of replies received thereto.

Sir,

I AM directed by the Commissioners of Inquiry of Crown Lands and Emigration, to request that you will furnish, for their information, a return of all the public sales of land which have taken place in your district up to the present time, on account of the non-payment of the wild land tax, including in such return, the amount of land sold at each sale, the name of the purchaser, the amount of tax due at the time of sale, and the price per acre at which the land was sold. I shall be obliged by your furnishing such return at your earliest convenience.

I am, &c.

Sir,

Sir,  
 Sheriff's Office, London, 29 September 1836.  
 Your application for a return of the public sales of land in this district, must be made to  
 H. V. A. Rapelje, Esq., sheriff, district of Talbot.

I have made no sales since my assuming the duties of this shrievalty.

I have, &c.

(signed) James Hamilton, Sheriff, L. D.

Henry W. Petre, Esq.

Sir,  
 Sheriff's Office, Kingston, 6 October 1836.  
 I HAVE the honour to acknowledge your letter of the 3d instant, and to acquaint you, for the information of the Commissioners of Inquiry of Crown Lands and Emigration, that since the month of May last, when I assumed the duties of sheriff of this district, no public sales of land have taken place through me, on account of the non-payment of wild land tax. My predecessors in this office have left me no documents whatever relative to such matters; I therefore, regret that it is not in my power to render the return required by you.

I have, &c.

(signed) A. M'Donnell,  
 Sheriff, Midland District.

H. W. Petre, Esq.  
 Secretary to the Commissioners of Inquiry  
 of Crown Lands and Emigration, Toronto.

Sir,  
 Sandwich, 10 October 1836.  
 I HAVE just had the honour of your letter of the 3d instant, and beg to state without delay in reply, for the information of the Commissioners of Inquiry of Crown Lands and Emigration, that with every disposition to furnish the information required, I have no documents in my possession from which such a return as that desired could be framed; but, that I presume the same can readily be furnished by the treasurer of the district, under whose directions the occasional sale of lands on account of arrears of assessment takes place.

Perhaps it may not be considered out of place to observe, that I infer that the return called for is not meant to extend back to the commencement of the existing system, as the information wanted has already been furnished to the provincial parliament, up to, I believe, the year 1834, and will be found detailed in the printed parliamentary records.

I beg further to add, that I only entered on the duties of sheriff, in October of last year, and that no sale of lands has since taken place; Parliament having, in consequence of the unsettled state of the times, interdicted the sale lands, on account of arrears of assessment, until the close of the present year.

I have, &c.

(signed) R. Lachlan, Sheriff, W. D.

Henry W. Petre, Esq.  
 Secretary of Board of Commissioners of Inquiry  
 on Crown Lands and Emigration, &c. &c.

Sir,  
 Sheriff's Office, Ottawa District, L'Original, 11 Oct. 1838.  
 I AM to acknowledge the receipt of your communication of the 1st instant, which I received on the 8th, requiring me to furnish certain information respecting the sale of lands for taxes in this district; and in answer thereto, I beg to state for the information of the Commissioners of Inquiry, that the commission appointing me to the office of sheriff of this district bears date 26th May 1835; this puts it beyond my power to furnish a statement of sales made by my predecessor in office.

During my incumbency, there has been but one public sale of lands for taxes, and I have taken the liberty of transmitting you a copy of my book of sales, adding the calculation of the price per acre to it, and also some observations that may elucidate the subject, and show the benefit of the act in question. By reference to my return, you will observe but a small part of the lands returned to me for sale by the treasurer were ever exposed to sale, the proprietors thereof having paid the amount due on their land into the hands of that officer; and several others, previous to the day of sale, paid the amount due into my hands as sheriff. The taxes due on several lots, were levied by distress, found upon the lands charged with the taxes; several lots were allowed to be sold by the owners, to confirm their title, being the most ready and least expensive manner of mending defects in their title.

I would also beg leave to remark, that by reference to the return, you will observe that a comparatively small proportion of the lands actually sold have been forfeited, as they were redeemed during the time allowed by law for redemption; and, of course, remain the property of the original proprietor.

Having had the agency of extensive tracts of lands in this section of the country, and having formed some fine settlements in this district, I would beg to observe, before closing these remarks, that there were many more settlers entered upon their lands in this district, than in any previous year; this being the year after the first sales of land for taxes in this province, and the opportunity was seized upon by many poor men, who are now reaping the advantage of their purchases.

Should you require any further information that is within my power to furnish, I shall be most happy to communicate it.

I have, &c.

(signed) Ch. P. Treadwell, Sheriff.

Henry W. Petre, Esq.  
 Secretary to the Commissioners of Inquiry  
 of Crown Lands and Emigration.

Sir,  
Yours of the 3d instant is before me; and, in answer, can only say, that I have no knowledge whatever of any lands having been sold for the taxes in this district.

Sheriff's Office, Pictou, 15 Oct. 1838.  
I have, &c.  
(signed) Owen M'Mahon,  
Sheriff, District P. Edward.

Henry W. Petre, Esq.,  
Secretary to the Commissioners of Inquiry of  
Crown Lands and Emigration, &c.  
Public Buildings, Toronto.

## No. 41.

LETTER from William Patton, complaining of ERROR in SURVEYOR-GENERAL'S OFFICE.

Sir,  
I beg leave to submit to you the following statement:—About Midsummer of 1836 I went to Toronto, to obtain from the surveyor-general the location of 100 acres of land, to which I was entitled, as I was an old servant of the Crown. As the Governor happened to be absent from Toronto, I could not then get my location ticket; but they told me that they would give it to any one in Toronto who should call for it. I told them my daughter lived in town, who afterwards sent it to me by letter. The location ticket was for the east half of No. 17, in the 5 Con., in the township of Medonte, in the county of Simcoe, in the Home District. I immediately, on the receipt of the location ticket, set out for the above township, together with my son and another person, to raise a house, in performance of my settlement duties, upon the lot. On my way to Medonte, I called at a Mr. M'Kay's, who told me that my lot had been deeded three years. On my arrival at Medonte I was informed by a Mr. Miller, who lived contiguous to the lot, that he had never seen any one looking at the lot, nor did he believe that it was deeded, and he further stated that no settlement duties whatever were done upon the land, and that he had resided there six years. I went with Mr. Miller's son and the two persons above mentioned, and examined the lot; not a tree was cut upon it.

Hearing that the lot was deeded, and not being able to obtain certain information about it, I returned to Georgina, and I immediately went to Toronto, to the surveyor-general's office, to know if my lot was deeded or not. The person in attendance in the office told me, upon my giving him the number, that I never got that lot; that it had been deeded five years ago. I replied that I had the location ticket, but I had forgotten to bring it with me. I instantly returned to Georgina, and the week following I went to Toronto, and produced my location ticket at the surveyor-general's office, when I was again refused the land, and was told that it had been deeded 12 years. I was offered several vacant lots, and the deed immediately of any of them I might choose; but I refused them all, stating that I wished to have the land to which I had a right by my location ticket, and which is still in my possession. I was then ordered out of the office, the officer telling me and my son-in-law that we were troublesome people.

I have now to request that you will be pleased to lay the above statement before his Excellency the Governor-general, and to beg that his Excellency will be graciously pleased to direct justice to be done to an old seaman.

I have, &c.  
(signed) William Patton.

R. D. Hanson, Esq.,  
Commissioner of Crown Lands and Emigration,  
Toronto.

## No. 42.

Attorney-general's Office, Halifax,  
10 October 1837.

Sir,  
We had the honour to receive your letter of yesterday, by the command of his Excellency the Lieutenant-governor, requesting our opinion as to the effect of improvements made upon granted lands by other persons than the grantees of the Crown, and without authority from such grantees. The improvements required to be made upon such lands are, by the words of the grant, necessarily limited to the grantee, his heirs or assigns, being the only parties upon whom the Crown could enforce a condition considered necessary for the improvement of the country; which, running with the land, by the acceptance of the grant, became binding upon them severally; but where the condition of the grant has been complied with, and the improvement actually made by a stranger, upon whom the Crown could impose no condition, it is nevertheless, in our opinion, quite sufficient in law to bar an escheat. By this no injustice can be done to the grantee, as he has the power within the time limited by law to resume the possession of his lands, and avail himself of all the improvements made by a wrong doer, which would in such case enure to his benefit against the Crown, in the

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same manner as if made by himself, or by his authority; but should he not assert his right in time, but suffer such wrong doer to remain until he had by possession acquired a title against him, such title would be protected against the Crown by the grant, provided the conditions thereof were performed, nor could a question of title between parties, under such circumstances, be made the subject of inquiry in a proceeding for cheat.

We have, &c.

(signed) *S. E. W. Archibald, Attorney-general.*  
*J. H. Johnston, Solicitor general.*

No. 43.

INSTRUCTIONS from Lord Bathurst as to the Disposal of WASTE LANDS in New Brunswick.

Sir,

Downing-street, 1 March, 1827.

I AM to convey to you the following instructions for your guidance in disposing of Crown Lands in the province of New Brunswick.

That you do, as soon as possible after the receipt of this despatch, proceed to ascertain the nature and particulars of all the Crown property within the said province under the following heads:—

Waste lands in those districts of the colony which have not heretofore been surveyed or laid out, but no part of which has been granted.

Ungranted lands and Crown reserves in those districts where grants have been made.

Lands which may have been granted in perpetuity upon payment of quit or other rents.

Lands and reserves which may have been granted upon leases for series of years upon reserved rents or otherwise.

That you do make an annual report of progress you may have made in ascertaining these particulars to the Secretary of State, or the Commissioners of Crown Lands for the time being, and also to the Governor or officer administering the government of New Brunswick.

That no lands or other Crown reserves arising from lands within the province of New Brunswick be hereafter disposed of or granted, excepting upon the following conditions, by actual sale, or in case of poor settlers, by grants, subject to quit-rents, in the manner hereinafter directed.

That you do from time to time, and at least once in every year, submit to the Governor or officer administering the government, a report of the total quantity of each district of Crown property within each district of the reserve, so far as you may then have ascertained the same, together with your opinion of the quality of each description of property which it may be expedient to offer for sale within the ensuing year, and the upset price per acre at which you would recommend the several descriptions of property to be offered; provided that the land proposed to be offered for sale does not contain any considerable quantity of valuable timber fit for his Majesty's navy or for any other purpose, it being the intention that no grant of land upon which such timber may be growing should be made until the timber is cleared.

That if the Governor or officer administering the government should be pleased to sanction the sale of the whole or any part of the land recommended by you to be sold at the upset price recommended by you, or at any other price which he may name, you will proceed to the sale in the following manner. You will give public notice in the Gazette, and in such other paper as may be circulating in the province, as well as in any other manner that circumstances will admit of, of the time and place appointed for sale of the lands in each district, and of the upset price, and that unsold lands will be reserved for future sale in a similar manner by auction.

That no lots should contain more than 1,200 estimated acres. You will also state in the notices of the conditions of the sale, that the purchase-money is to be paid by four instalments, without interest, the first instalment at the time of sale, and the second, third and fourth instalments at intervals of a year.

That if the instalments are not regularly paid, the deposit will be forfeited, and the land again referred to sale.

In case purchasers of land at any sale not exceeding 200 acres, should be unable to advance the purchase-money by instalments as proposed, you may permit the purchaser to occupy the same upon a quit-rent equal to five per cent. upon the amount of the purchase-money. One year's quit-rent to be paid at the time of sale in advance, and to be paid annually in advance afterwards; upon the failure of regular payment, the land to be again referred to auction and sold.

The quit-rent upon lands so purchased in this manner to be subject to redemption upon payment of 20 years' purchase, and parties to be permitted to redeem the same by any number of instalments, not exceeding four, upon the payment of not less at any one time than five years' amount of quit-rent, the same proportion of the quit-rent to cease, however, if the parties should fail regularly to pay the remainder of the quit-rent; the same to be deducted from the instalment paid, and the lands to be re-sold by auction whenever the instalment may be absorbed by the accruing payment of the remainder of the quit-rent.

That public notice should be given in each district in every year, stating the names of the persons in each district who may be in arrear either for the instalments of their purchase-money or for quit-rents, and that if the arrears are not paid up before the commencement of

the sales in that district for the following years, that the lands in respect of which the instalments or quit-rents may be due will be the first lot to be exposed to auction at the ensuing sales, and if any surplus of the produce of the sale of each lot should remain after satisfying the Crown for the sum due, the same will be paid to the original purchasers of the land who make default of payment.

That no land be granted at any other time than at the current sales in each district, except upon application from poor settlers who may not have been in the colony more than six months preceding the last annual sale. That settlers so circumstanced may be permitted to purchase land, not exceeding 200 acres each, at the price at which it may have been offered at the last annual sale and not purchased, and may pay for the same, or by quit-rent, computed at five per cent. on the sale price, and thenceforth these persons shall be considered as entitled to all the privileges, and be subject to the same obligations as they would have been subject to if they had purchased the land at the last sale.

In cases of settlers who shall be desirous of obtaining grants of land in districts not surveyed, or in districts in which no unredeemable grant shall have been made, you will, under the authority of the Governor, at any time within a period of seven years from the date hereof, grant permission of occupancy to any such settlers for lots of land, not exceeding 200 acres, upon consideration that they shall pay a quit-rent for the same equal to five per cent. upon the estimated value of the land at the time such occupancy shall be granted; and the persons to whom claims of occupation may be made shall have liberty to redeem such quit-rent at any time before the expiration of the seven years, upon the payment of any arrears of quit-rent which may be then due, and 20 years' purchase of the annual amount of the rent.

That no patent shall be granted until the whole of the purchase-money shall be paid, nor any transfer of the property made, except in case of death, until the whole of the arrears of the instalment or quit-rent shall have been paid.

That the purchase-money of all lands, as well as the quit-rents, shall be paid to you, or to such persons as you may appoint, at the time and places to be named in the conditions of the sale.

You will give public notice that you have received instructions to apply to all persons holding lands from the Crown in perpetuity upon the payment of quit-rents, as well as to all persons holding lands upon lease for term of years, for the payment of the rents which may be due from them respectively, to commence from the 1st of January 1827; and you will at any time within seven years from the date hereof sell to the proprietor (but to no other person whatever), at 20 years' purchase, any lands held in free and common socage, free from any quit-rent which may be payable by them respectively, provided that all arrears up to the end of the year preceding the time of purchase be previously paid.

If these quit-rents are not purchased by the proprietor within the period of seven years from the date hereof, further instructions will be given in regard to the sale by auction or otherwise, as may then be deemed expedient.

With respect to the lands on lease for terms of years, you are desired on no account to sell the same by public auction, if the rent is not more than two years in arrear, until the termination of the lease; but if the rent is more than two years in arrear, and if, according to the terms of the lease, the same is void in consequence of the non-payment of the rent, you are at liberty to submit to the Governor or officer administering the government that any such lots should be sold.

If, however, previously to the sale the rent is paid up, you will withdraw the same from the sale; and you will at any time sell to the lessee of such lands as may be held under lease, at such price as the Governor or officer administering the government may upon your recommendation approve, the land so held, all arrears of rent being in every case paid up to the end of the year preceding the sale; but in no case at less than 20 years' purchase of the rent.

The usual fees payable on grants of land are to be paid by the purchaser, and the Lieutenant-governor will determine whether the whole, or what proportion of them, are to be paid on the party receiving a license to occupy the land.

You will on the 1st of January and 1st of July in every year, render a complete account of all your sales within the preceding half year, to the auditor of provincial accounts, specifying the conditions upon which each lot is sold; and you will at the same period render a complete cash account of the money received and expended by you within the same period; carrying forward to each account any balance which may remain in your hands at the date of the preceding account. And you will on the 1st January, 1st April, 1st July, and 1st October in each year, pay over to the receiver-general of casual revenues any sums which may on those days respectively be in your hands, over and above the sum of 500 £, which you are permitted to retain for future contingent expenses.

You will receive from the receiver-general the following rewards for your services in the sale of lands, and the other duties to be executed by you in pursuance of these instructions; viz. five-sixths of the net amount which may be paid into the hands of the receiver-general of our said province, as the consideration for the sale of lands, provided such five sixths do not exceed 500 £; then you will be allowed 500 £ as a reward for each year, and no more.

You will not charge this remuneration in your accounts, but you will receive the same annually by warrant of the Lieutenant-governor, out of the treasure which you may have paid into the hands of the receiver-general in the preceding year.

You are authorized to incur and defray such contingent expenses for authorities, clerks, receiver of rents, office-rent, &c. as you may find absolutely necessary, and as the Governor



or officer administering the government may sanction and approve; provided, however, that the whole of such contingent expenses shall not exceed one-sixth part of the money to be received by you for the sale of lands under the instructions. That you do transmit to the Secretary of State, or to the Commissioners of the Treasury for the time being, copies of the half-yearly accounts which you may render to the auditor of provincial accounts in New Brunswick, and that the same be transmitted by the first direct conveyance which may offer after the periods for which they are respectively rendered.

That in the execution of these instructions, you do obey all such further orders and directions as you may receive from the Commissioners of the Treasury for the time being, from one of his Majesty's Principal Secretaries of State, or from the Governor or officer administering the government of New Brunswick.

I am, &c.

Thomas Baillie, Esq.

(signed) Bathurst.

Commissioner of Crown Lands, New Brunswick.

#### No. 44.

##### HEADS OF INSTRUCTIONS for the Disposal of CROWN LANDS in *New Brunswick*.

LAND to be surveyed and valued in one or more continuous tracts, according to the local peculiarities of the province.

The points most adapted for settlement to be fixed upon for this purpose in as many different directions as may be considered expedient, and as the number of deputy-surveyors will admit.

Plans of tracts in each quarter to be prepared for public inspection.

The land to be laid out in lots of 100 acres each, and no person to be allowed to purchase more than 1,200 acres, except under special circumstances, to be approved by the Lieutenant-governor and council.

The plans may be inspected in the office of the surveyor-general and with his deputies in each district, on payment of a fee of 2s. 6d.

Settlers unable to pay the whole sum may have the option of paying the purchase-money by four annual instalments, with interest, one instalment to be paid in advance; in which case a location-ticket will be given, for which the sum of 2l. must be paid down, and to be exclusive of the annual instalments as above; the patent is not to be issued until the whole of the instalments are paid.

The usual conditions of settlements to be exacted and inserted in the patent. The lands sold under this regulation are not to be charged with quit-rent, or any further payment beyond the purchase-money for the expense of the patent.

Persons desirous of buying land in situations not included in the tract already surveyed must previously pay for the expense of survey; and the price must, of course, depend upon the quality of the land and its local situation.

Smaller lots than 100 acres may, under particular circumstances, be purchased, on making application in the usual manner.

Poor settlers may receive grants of 50 acres, on payment of a fee not exceeding 20l.; the land, of course, to be subject to the necessity of cultivation within a limited period; the fee to be paid by this class of settlers is intended merely to reimburse the expense of survey.

#### No. 45.

##### MINUTES OF PROCEEDINGS as to GRANTS OF LAND in *New Brunswick* subsequent to 12th March 1827.

(By Authority).

Secretary's Office, 12 March 1827.

Ordered that lists of all persons to whom lands have been allotted prior to the 1st of January 1826, and who have neglected to take out grants for the same, pursuant to the Royal Instructions, be forthwith published, and such persons notified that unless they take out their respective grants before the 31st day of December next, they will be considered as having abandoned their allotments; and the minutes of council under which those allotments may have been claimed will be cancelled, and the lands will be considered as open to new application.

By order of his Excellency in Council.

Secretary's Office, 8 March 1828.

Numerous petitions having been presented to his Excellency the Lieutenant-governor, setting forth that many persons who had obtained minutes of council for lands for which, owing to the particularly distressed state of the country, they have been hitherto unable to take out their grants, and praying for further time; his Excellency, with the advice of his Majesty's council, has been pleased to extend the time within which persons who have obtained minutes of council for allotments of land may apply for their grants until the first day of January next; and all such persons as shall neglect so to apply within the time limited will be considered as having forfeited their allotment.

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(By

(By Authority).

His Excellency the Lieutenant-governor having found it necessary to bring under the consideration of his Majesty's government the present system of disposing of Crown lands in this province, with a view to the obtaining of further instructions thereon, has thought proper, for this purpose, to suspend the same; public notice is therefore hereby given, by order of his Excellency, that no more sales under that system will take place after this date until further orders.

Fredericton, 10 January 1829.

No. 46.

LETTERS from COMMISSIONER of CROWN LANDS in *New Brunswick*, in conformity with Instructions of 1st March 1827.

Sir,

Department for Crown Lands, Fredericton, 10 July 1827.

IN the commencement of a new system for the disposal of Crown lands, much delay must necessarily take place; but I have the honour to inform your Excellency, that as soon as I may be furnished with the conditions of sale, I shall be prepared to proceed to the sale of several tracts submitted for your Excellency's approval. In looking over my instructions, it appears very evident that no quit-rent of the nature of that formerly covenanted for can now be demanded; but no mention is made as to any condition of cultivation, and if I may be permitted to express an opinion, I must strongly urge your Excellency not to include in the condition of sale any clause exacting a degree of cultivation within a limited period; it might be said that such a clause would prevent extensive speculations, but I cannot suppose that this will ever take place to any great degree, as the constant sale of Crown lands would naturally regulate the market, and oblige the large landowners to dispose of their lands upon equally favourable terms. Under these circumstances, I have to request that your Excellency will cause me to be furnished with a copy of a notice of the conditions of sale, and I entertain a hope that your Excellency will concur in opinion with me as to the conditions of cultivation.

I have, &c.

His Excellency  
Sir H. Douglas, &c. &c. &c.

(signed) Thomas Baillie.

Sir,

Department for Crown Lands and Forests, 13 July 1827.

IN proceeding to ascertain the nature and particulars of such tracts of land as it may be expedient to offer for sale during the present year, much time will be required. I have, therefore, to suggest for your Excellency's consideration, that sales should take place at an early period of the vacant lots of land in settlements already laid out and surveyed.

By this measure the new system would be immediately put in action, and in the mean time every exertion would be made to present new tracts to the attention of the public.

I need not point out to your Excellency the many advantages which settlements already formed possess over the yet unsubdued wilderness for the actual settler or emigrant, and how much more gladly he would embrace the opportunity of procuring land in those districts than in the more remote and unknown parts of the country.

Herewith enclosed, for your Excellency's consideration, is a schedule of such tracts as I should recommend for sale at an upset price of 1*s.* per acre.

The quality of land in each district is stated in the schedule; and no considerable quantity of timber for the use of his Majesty's navy is to be met with.

Should your Excellency concur in opinion with me as to the expediency of offering those tracts for sale, I shall be prepared in the early part of July to proceed to the sale according to the instructions communicated to me on that head, provided your Excellency has no further directions to present for my guidance.

I have, &c.

His Excellency  
Major-general Sir Howard Douglas, Bart.,  
&c. &c. &c.

(signed) Thomas Baillie.

Sir,

Crown Lands Office, Fredericton, 21 September 1827.

I HAVE the honour to report for your Excellency's consideration, the description of a tract of land eligible for sale during this and the ensuing year, viz.

Twenty thousand acres, situate between Beaver Harbour on the Bay of Fundy, and Josiah Trues on the road leading from Fredericton to St. Andrew's, being within the bounds of District No. 14, in the parish of Pennfield, and county of Charlotte.

This tract consists principally of fine tillageable land, being a rich loam, covered with a growth of red oak, maple, birch and beech, and it does not comprise any quantity of pine timber fit for the use of the Royal Navy.

The above situation possessing great facilities for the settlement of colonists arriving at the several ports in the Bay of Fundy, and being at no considerable distance from the seat of government, I beg leave to submit to your Excellency the expediency of reserving one-half of the lands

lands now recommended for the accommodation of emigrants, in four separate blocks, to contain two thousand five hundred acres each, and that the four remaining blocks be offered for sale in the usual manner.

I beg leave further to recommend for your Excellency's consideration, that the lots in the immediate vicinity of streams be laid off on both sides of each stream, in such manner as to afford eligible sites for mills, and I also beg leave to recommend that the above described land be offered for sale at an upset price of one shilling per acre.

I have, &c.

(signed) *Thomas Baillie.*

His Excellency Major-general Sir H. Douglas, Bart.  
&c. &c. &c.

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No. 47.

LETTER and INSTRUCTIONS from *Lord Goderich* to COMMISSIONER OF CROWN LANDS,  
*New Brunswick.*

Sir,

Downing-street, 2 February 1832.

I HAVE the honour to transmit to you herewith an additional instruction, under the Royal sign manual, for your future guidance in the disposal of the waste lands of the Crown in the province of New Brunswick.

These instructions have been drawn up with the object of improving and simplifying the system now pursued in the sale of lands, from which any sudden departure might be attended with inconvenience to the inhabitants and to the land department. I am, however, anxious that you should fully understand the general views which I entertain with respect to the disposal of the Crown lands in the several North American provinces, for which purpose I enclose an extract from a despatch which I have recently addressed to Sir John Colborne on this subject.

I am aware that various causes have hitherto operated against the sale of land in New Brunswick, and that, consequently, any sudden rise in the price might be attended with injurious effects; as the present instructions, however, abolish the fees on location tickets, and as the conditions of cultivation are now omitted, it appears to me that the price which has been heretofore asked is hardly a sufficient security to prevent large tracts of land from getting into the hands of persons, whose object is, not to improve it, but to sell the timber on speculation, reserving the land for disposal when it shall have acquired an increased value by the settlement and improvement of the vicinity.

I therefore think that a moderate advance ought to be immediately made, and it has been suggested to me that no lands ought now to be disposed of under 2s. 6d. an acre, receiving the dollar at 4s. 4d., and I trust that by judicious arrangements in the survey and selection of eligible tracts for sale, the price of the best land may at no distant period be fixed at 5s. per acre.

You will perceive that the present instructions do not bind you to an exclusive mode of disposing of the Crown lands, but leave it open to you to submit to auction those lands which may possess such local or other advantages as, in your opinion, would render it desirable to offer them for sale by the simple and in many respects preferable mode of public competition.

That clause of the royal instructions giving you the power to grant leases is of course intended to apply chiefly to such positions as may point out the site of a future town, a fort or dock yard; and also to such other situations as may be likely at a future period to prove highly valuable to the Crown.

Although the instructions still admit of land being sold partly upon credit, yet I entertain considerable doubts on the propriety of encouraging individuals to purchase by instalments, and conceive the plan of immediate payment to possess many advantages.

I am, however, desirous of receiving your opinion as to the propriety of still further restricting the time allowed for paying up the instalments, and of omitting the clause altogether at no distant period.

I have, &c.

(signed) *Goderich.*

WILLIAM REX.

AM additional Instruction to our right trusty and well-beloved Matthew Lord Aylmer, Knight Commander of the most Honourable Military Order of the Bath, our Captain-general and Governor-in-chief in and over our Province of New Brunswick, or to our Lieutenant-governor or Officer administering the Government of the said Province for the time being. Given at our Court at St. James's, the First day of February 1832, in the second year of our reign.

WHEREAS it is necessary that provision be made for relieving our faithful subjects within our said province of New Brunswick from the delay, expense and inconvenience of and incident to the methods now in use there of issuing grants, under the public seal of the said province, in our name to purchasers of land therein situate, who may contract with us for the

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same: we do, therefore, direct and require you, in making all grants of land which shall hereafter be made within our said province, to observe the several rules and regulations following, that is to say:

1. We do hereby declare, that all fees of office heretofore claimed or taken by any public officer or officers whomsoever, within our said province, upon the application for, or upon the issuing any grant of land, or ticket of location of land, or at, upon or in respect of the doing of any official act, matter or thing in pursuance of or connected with any such application, grant or ticket of location, or in or about making any survey of any land so to be granted or located, or in or about the registering of any such grant or ticket, shall be and the same are hereby absolutely abolished, in so far as such fees, or any of them, are claimed or taken in virtue of any authority or supposed authority, license or permission, or supposed license or permission from us, or any of our royal predecessors; and we do hereby, as far as in us lies, command all persons holding any office of trust or emolument in our service within the said province, that they do henceforth abstain from taking or demanding any such fees of office as aforesaid, under pain of our highest displeasure.

2. And we do further require and demand you, that you do not sell or convey to any person or persons in our name, or on our behalf, any of our lands situate within our said province, until the same shall have been first surveyed and rendered distinguishable by a reference to the public charts and surveys deposited in the office of the Commissioner of Crown Lands of our said province.

3. And we do further direct, that whenever any person shall be desirous to become the purchaser of any lands belonging to us within the said province, such intended purchaser shall intimate such his desire by subscribing a petition, addressed to yourself, indicating, with reference to such public charts and surveys as aforesaid, the precise piece or parcel of land which he or she may be desirous so to purchase, and the price at which he or she may be desirous so to purchase the same.

4. And for the observance of greater regularity herein, it is our pleasure that every such petition as aforesaid shall be in the form contained in the Schedule marked (A.) hereunto subjoined, and that all such petitions be ready prepared in blank, and that such blank forms shall be delivered gratuitously to every person who shall make application for the same; and that every such petition shall be delivered at the office of the said Commissioner of Crown Lands; and that all such petitions when received shall be firmly bound up in one or more successive volume or volumes, to each of which volume or volumes shall be subjoined a full index, showing the name of every applicant, and the description of land for which his or her application may have been made, with the date of every such application.

5. We do further declare, that it shall be the duty of our said Commissioner of Crown Lands, or in his absence of his proper deputy, at the foot of every such petition, to signify either that the same is approved, or that your decision thereupon is postponed; and in case of any such postponement, the said Commissioner of Crown Lands shall also state shortly in writing, at the foot of every such petition, the reason why the same is so postponed, and shall, with the least possible delay, bring every such petition as last aforesaid under your consideration for your decision thereupon.

6. And we do further direct, that whenever any such application as aforesaid shall have been approved by the said Commissioner of Crown Lands, or by you (as the case may be), the party applicant shall, on his or her application at the office of the said Commissioner, receive a notice of such decision in the form contained in the Schedule hereto subjoined, marked with the letter (B.)

7. We do further direct, that there be at all times kept in the office of our said Commissioner of Crown Lands an adequate number of blank forms of grants of land to be made by us or on our behalf within our said province, which said forms shall be by him filled up as occasion may require; and for avoiding all uncertainty herein, we do further direct, that all such grants as aforesaid shall be drawn up and expressed in the form contained in the Schedule hereunto subjoined, marked with the letter (C.)

8. And we do further direct, that any person who may have received any such notice as aforesaid from our said Commissioner of Crown Lands, and who shall in pursuance thereof, by the time and at the place therein for that purpose appointed, pay into the hands of our said Commissioner of Crown Lands the purchase-money mentioned in any such notice, he shall thereupon be entitled to receive from our said Commissioner of Crown Lands the original grant from us of the lands comprised in such notice, which grant shall for that purpose have been previously executed by you, and by you deposited in the hands of our said Commissioner of Crown Lands of our said province.

9. And in cases wherein any such lands as aforesaid may be purchased by instalments, then we direct that such grants as aforesaid shall be delivered on the payment of the last instalment, and not before.

10. And we do further direct, that every such grant as aforesaid shall be executed by you in duplicate, and that both the original and duplicate shall be executed or subscribed by the grantee or grantees therein named, or by his, her or their lawful agent or agents, on his, her or their behalf, in testimony of his, her or their acceptance thereof; and we do further direct, that such execution by the said grantee or grantees, and the delivery of such original grant to him, her or them, shall in each case be attested by our said Commissioner of Crown Lands, by an endorsement to be superscribed upon each original grant, or in case of his absence by some one of his deputies.

11. And

11. And we do further direct, that duplicate copy of every such grant shall forthwith be made by the Secretary and Registrar of Deeds of and for our said province, to be by him presented and recorded amongst the records of his office.

12. And we do further direct, that our said Commissioner of Crown Lands shall at all convenient times after the receipt by him of any such sum or sums of money as aforesaid, deliver to the Receiver-general of our said province an account in writing, under the hand of our said Commissioner, of such his receipts, and shall pay the same into the hands of the said Receiver-general, who shall thereupon give to the said Commissioner of Crown Lands a receipt, under the hand of him the said Receiver-general, for the amount of every such payment, which receipt shall be a full and sufficient discharge to him the said Commissioner of Crown Lands, his heirs, executors and administrators, for all and every of the sum or sums of money mentioned in such receipt.

13. Provided nevertheless, and it is further our will and pleasure, that nothing herein contained shall prevent you from causing to put up to sale by public auction any of our lands within our said province, in any case in which it shall appear to you that the interest of our revenue or the welfare of our subjects requires, or would be promoted by the adoption of that mode of bringing to sale any such lands; and also that, provided that nothing herein contained shall extend to demising any such land for any term or term of years, at the best reserved rent which can be obtained for the same, it being nevertheless our pleasure, that no such term be made to endure for a longer period than 21 years, and that no covenant be contained in any such lease for the renewal thereof on the expiration of any such term; and we do further direct, that in the making of all conveyances in pursuance of any such sales by auction as aforesaid, and that at the granting any such leases as aforesaid, the various regulations hereinbefore contained shall be followed and observed, with such variations only as may be unavoidable.

14. And whereas divers quit-rents have hitherto been reserved, and are now payable to us upon and in respect of divers lands hitherto granted by us or by our royal predecessors within our said province: Now we do hereby authorize you in our name, and on our behalf, to make an absolute sale and alienation of such quit-rents in fee-simple and perpetuity to the proprietors for the time being of any lands subject to and chargeable with the same, who shall, on or before the 24th day of June 1836, effect the purchase thereof; and after the said 24th day of June 1836, to any other person or persons who may be willing to effect such purchase; and in effecting the sales of any such quit-rents, it is our pleasure, that the regulations hereinbefore contained respecting the sale of lands be observed and followed in all respects by the Commissioner of Crown Lands, with such variations only as may be unavoidable.

(A.)

To Major-general Sir Archibald Campbell, G.C.B. &c. &c. &c.

The Petition of \_\_\_\_\_ of the parish of \_\_\_\_\_ county of \_\_\_\_\_

Humbly sheweth,

That he is a British subject, and is desirous of purchasing \_\_\_\_\_ acres of land, situate as follows: \_\_\_\_\_ at the price \_\_\_\_\_ per acre, payable immediately, or payable by four equal instalments, the first instalment payable in advance at the time of sale.

That the said land is in its natural wilderness state, no improvement whatever having been made thereon.

[If any improvements have been made, state to what extent, and by whom made.]

And as in duty bound will ever pray.

(B.)

DEPARTMENT OF CROWN LANDS.

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Sir,

TAKE notice, that your petition of the \_\_\_\_\_ of \_\_\_\_\_ of \_\_\_\_\_ for the purchase of \_\_\_\_\_ acres of land in the parish of \_\_\_\_\_ in the county of \_\_\_\_\_ in this province, is approved, at the sum of \_\_\_\_\_ pounds, payable immediately, or \_\_\_\_\_ pounds, payable by four equal yearly instalments; and that on payment of the said purchase-money by you, or on your behalf, a grant of the said land will be delivered to you, or to your duly authorized agent, at this office.

signed)

Commissioner and Surveyor-genl  
Crown Lands and Forests.



(C.)

FORM OF GRANT in *New Brunswick.*

WILLIAM the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. To all to whom these presents shall come, greeting:—Know ye, that we, of our especial grace, certain knowledge and mere motion, have given and granted, and do by these presents, for us, our heirs and successors, in consideration of the sum of *£100* pounds, to us paid, give and grant unto *the* *said* *land* all that lot or piece or parcel of land situate in the *said* *lot or piece or parcel of land* and bounded as follows; that is to say,

which said lot or piece or parcel of land, as particularly marked and described in the annexed plan, as also in a plan or survey of the settlement, tract or township of (as the case may be), by surveyors, A. D. 18 *1832*, together with all hereditaments and appurtenances whatever thereunto belonging or in anywise appertaining: *of the said* *land*

To have and to hold the said *land* of land, and all and singular the premises hereby granted, with their appurtenances, unto the said *land* his heirs and assigns for ever, he and they yielding and paying for the same to us, our heirs or successors, one peppercorn of yearly rent on the 25th day of March in each year, or so soon thereafter as the same shall be lawfully demanded. And we do hereby save and reserve to us, our heirs and successors, all mines of gold, silver and other precious metals, and all coals in or under the said lands, with full liberty at all times to search and dig for and carry away the same, and for that purpose to enter upon the said land or any part thereof.

I witness, &amp;c.

No. 48.

COMMUNICATIONS from *Alexander Wedderburn, Esq., Emigration Agent, New Brunswick.*

Sir, *Saint John, New Brunswick, 1 August 1832.*

I HAVE the honour to lay before you, for the information of his Excellency the Lieutenant-governor, a return of emigrant arrivals during the past month, being 236 souls, and the minimum of any similar period since 1816; the cause assigned being alarm at the Canadian troubles, as stated to their friends, for the reluctance of persons to emigrate; who, however, from the restoration of tranquillity, anticipate a reanimated influx during the next year.

With this prospect of a re-action in emigration, and with a due deference to the instructions laid upon me, that I "will be careful to report to government occasionally such matters as may appear to me likely to facilitate the location and employment of emigrants, and advance their interests in the province," I have the honour to submit for his Excellency's consideration an eligible source of employment for them and amelioration of their condition on arrival in the country; viz. the opening of the canal between the St. Lawrence and the Bay of Fundy; for which object I have given my best attention to the Report of the late Mr. Telford respecting the Bay Verte Canal, to ascertain what number of labourers and artisans would be required, the time occupied, and the average rate of wages attainable, which are founded on data from practical sources. Predicating the present upon Telford's plan, 156,000 l. will be required for the completion of the canal, which will absorb the labour of about 1,100 men for three years, the season admitting 200 days for excavating earth, and 50 more for rock work, Sabbaths exclusive; the remainder of the time will be made up in various casualties and habits of the persons employed, who will consist of—

Common labourers	-	-	800	average wages now	4s. per day.
Masons	-	-	40	"	10s. "
Carpenters	-	-	10	"	8s. "
Stone-cutters	-	-	60	"	10s. "
Quarry-men	-	-	60	"	5s. "
Blacksmiths	-	-	10	"	10s. "
Truck-men	-	-	120	"	1s. 6d. "

Thus 1,100 persons being required for manual purposes, assuming the average population of married emigrants, 5,600 are supported, and increased as they are annually changed.

On the 2d January 1832, I had the honour to transmit a detailed report on this subject to the then Lieutenant-governor, but I am not aware that it was ever received by him; and I now respectfully beg leave to assure his Excellency, Sir John Harvey, that an earnest desire to render useful and acceptable service alone induces me to bring it under the notice and beneficent protection of his Excellency.

I have, &amp;c.

Captain Tryon, &amp;c. &amp;c. &amp;c.

(signed) *A. Wedderburn, Esq.*

Sir,

Sir,

St. John, New Brunswick, 15 September 1838.

THE communication which his Excellency the Lieutenant-governor was pleased to have made to me relative to the secretaryship to the Canadian commission requires my respectful thanks, which I have now the honour to offer; and at the same time to request to assure his Excellency that in any case of appointments of emolument at his disposal, I should be most reluctant to encumber the list for patronage; being aware that often, probably too often, there are too many clients upon the feelings as well as duties of a Governor in these colonies; and beyond devotion for useful public service, I have little to advance for his consideration. The extent to which I would solicit is merely to represent that, among the occasional temporary employments that so occur, my humble abilities would be willingly applied so long as I remain in the country.

The courtesy, however, which his Excellency has on more than one occasion extended to me, demands, on my part, an endeavour to evince my desire to render him service in my vocation; nor am I aware how else I can do so, than by claiming, with all deference, his permission to lay before him my humble views of what may tend to promote metropolitan and inter-colonial emigration, in a manner which at no distant day will make more apparent the high political and commercial relation of New Brunswick with the western and oriental possessions of the British Empire. In endeavouring to do so, however, I pray that a brief relation of facts may alike plead my insufficiency to treat the subject and exonerate me from a charge of prematurity or presumption in my observations.

From causes now unnecessary to refer to, a strong desire some time ago manifested itself among natives of this province to emigrate to Upper Canada, and application was made to me for guidance how to proceed to various points about Toronto, Simcoe and the Ottawa; to the extent of my information I instructed them; but, there being few opportunities for going from this port to Quebec, I was obliged to direct them through the United States, where probably they remained with their families, and are for ever gone from the British provinces.

This reflection, combined with other considerations, enlarged my official anxiety about direct communications between the colonies, without the foreign *intransit*, and led in some degree to inquiries for labour, &c. on the Bay Verte Canal, which I had the honour to submit to his Excellency in my report on the 1st of August.

About the same time a desire was shown among mechanics (old country ones) to move to New South Wales and Van Diemen's Land; and several called on me for information. Nor did the desire of enterprise rest here, for I was elsewhere instrumental in settling a fourth advantageously at Waingano in New Zealand, brought up in part by me in St. John.

This last circumstance I presume to refer to, in consequence of the opening whale fishery in the eastern seas, which now is only a prelude to matters of more commercial and political relations of national consideration and emigrant interest, at the same time essentially uniting both hemispheres. Some time ago I was applied to by gentlemen connected with the chamber of commerce to review the category on the fisheries promulgated by the Nova Scotia Assembly. Aware of my inability to do any justice to so important a subject, I retired from the honour conferred, but privately prosecuted the subject; that by so doing, some views might be given to attract British labour, capital and emigrant enterprise to these shores; and on the 1st September, I submitted to the council a note on the subject; but when I did so, I was not aware that his Excellency was visiting the eastern coast; and I trust the reasons for withdrawing the notes for the present, as stated in the Courier of Saturday, 15th (to-day), will be found valid enough. Thus sir, unofficially, I presume to make my sincere acknowledgments to Sir John Harvey for his courtesy, and to express my deep though humble sense of the benefit of his presence in New Brunswick.

I have, &amp;c.

(signed) A. Wedderburn.

Alexander Wedderburn, Esq., Emigration Agent, New Brunswick.

Emigration-office, St. John's, New Brunswick,  
15 October 1838.

Sir,

IN reply to your communication from Fredericton, of 3d instant, requiring information relative to emigration here, I have the honour to acquaint you that the following is the number of emigrants arrived at this port between the 1st January 1831 and the 1st October 1838, amounting to 36,962 souls, and the duty collected therefrom, under the 2d Will. 4, c. 36, s. 2, which went into operation 22d September 1832, to 6,917 l. 1 s. 8 d. currency, for the purpose recited in said Act. For ten years previous to 1830, 3,000 was the average annual arrivals in the province; since when they have arisen over 9,000,—7,200 at this harbour alone.

After the surrender of the casual and territorial revenues of the Crown to the province, an Act was passed on the 22d July 1837, stipulating the terms upon which emigrants and others would receive lots for settlement. At its expiration, if not before, it may be found expedient to establish district and more frequent public sales for general accommodation.

Many persons have been here about lands, with the ostensible object of settling, but who have subsequently left the province. There was, however, no difficulty to their obtaining lands; on the contrary, every facility was afforded, and the greatest cordiality evinced by

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the Crown land department to promote their views. I am also aware of persons who arrived here with the avowed purpose of going to the United States, proceeding into the interior for settlement, or remaining for labour. With some provisional exceptions, no system of emigration location similar to that in Upper and Lower Canada in 1833 and 1835 has existed here; the settlement of the province (save the discharged soldiers, pensioners and commuted pensioners) has been advancing by a solitary solvent emigration.

I am not aware that inconvenience at sea has arisen from the numerical proportion of passengers to the tonnage of vessels carrying them, under the 5th & 6th Will. 4, c. 53; but its provisions would be beneficially extended to protect emigrants from capricious and arbitrary acts of masters and other officers of vessels at sea. Such do occur in unnecessary but compulsory labour without compensation, but enforced by stoppages of water, as by law required, or by other unwarrantable means. The government agents too should be authorized by law to board the vessels, demand reports, and obtain other required information, as they are instructed to do, on the arrival of vessels in port having emigrants on board.

As one high principle of beneficial national emigration is based on providing valid employment for emigrants in the various departments of individual or collective industry in the resources of the colony of their destination, I have assiduously given my humble but earnest consideration to such local objects as would engage them with advantage, and happily this province daily develops its abundant store of almighty bounty for the useful purposes of public and private improvement. With these conditions before me, I recently sought the honour of laying before Sir John Harvey some matters arising out of my instructions, in their identity with emigrant amelioration here. No doubt his Excellency's comprehensive mind had long before, and far more deeply embraced the subjects; but I transmit them to Canada, as his Excellency has been pleased to intimate that he will forward the original papers from Fredericton, attached to his report; of which most obliging consideration I avail myself, and request your reference to the documents themselves without further remark here, beyond saying, that one is on the employment of emigrant labour on opening the canal between the Saint Lawrence and the Bay of Fundy, at the Bay Verte; the other, diversion of the labour and capital of emigrants from the United Kingdom to the prosecution of the coast and deep sea fisheries around the province. The vast value of this colonial treasure, the advantages of locating fishing stations (as adopted on the coast of Scotland) along the range of the eastern shore, are very manifest; apart from the urgency of resisting the foreign encroachments, which have so prejudicially abused what the British emigrant might enjoy; and I shall at all times feel most desirous to add my humble mite to advance the interest of the cause in which you are now engaged.

I have, &c.

Major Head, &c. &c. &c.

(signed) A. Wedderburn.

#### No. 49.

#### LETTER AND REPORT from Dr. Gesner, as to Mineralogical Resources of New Brunswick.

Sir,

AGREEABLY to instructions I had the honour to receive from his Excellency Sir John Harvey, relative to information required by Major Head on the mineralogical resources of the province, I beg leave to submit the following brief report; and regret that as I was absent on the geological survey, and did not receive the above communication until to-day, I have been unable to comply with those instructions at an earlier period.

During the last and present seasons, I have been engaged in examining the geological structure and mineral wealth of New Brunswick, under the direction of his Excellency the Lieutenant-governor, and from what has been already discovered, it is certain that the province contains vast supplies of the most useful and important minerals; notwithstanding they are at present but very partially explored and imperfectly developed.

Extending along the south-east side of New Brunswick, and on a line parallel to the Bay of Fundy, there is a range of mountains composed principally of granite and trap rocks. This mountainous district is skirted on both of its sides by the transition series of slates and limestone, which form almost all the islands in the Passamaquoddy Bay and the southern coast of the main land, wherein they have not been broken up and overlaid by enormous masses of trap.

In these formations, numerous strata of limestone and marble have been found, and several kinds of roofing slate and granite have been discovered at very advantageous situations for working them. The limestone is now used, and preparations are now making to open quarries of granite.

Upon this coast the ores of iron, copper, lead and manganese appear, some of them in great quantities; but the deposits of these minerals have not been sufficiently examined to enable me to give the details of their extent and the true value of the metals contained in them.

An extensive bed of iron ore had also been discovered at Woodstock, and a copper mine has been recently opened in the county of Gloucester.

The high lands have but a scanty and poor soil; but being penetrated by numerous rivers and creeks, which are skirted with intervale, even this the most barren district in the province is rendered habitable.

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In my recent examination of the tertiary deposits of Charlotte county, large tracts of marl were discovered; this substance, by a proper application, cannot fail to prove important to the agriculture of that part of the province. Besides those, immense quantities of freestones which are used in architecture and for grindstones exist on the shores of Chignecto Bay and Cumberland Basin; of the latter, great numbers are shipped annually to the United States. There are also several salt and other mineral springs in the interior of the country.

Extending in a south-west direction from Northumberland Straits and the Gulf of St. Lawrence, and crossing the river St. John, there is one of the most expanded coal districts ever discovered. The coal district occupies a large area in the central portion of the province, but its boundaries have not yet been correctly ascertained.

I have just completed a section of one of the diameters of this broad coal field, which extends from Richibucto in a south-west direction to the Oromocto Lake, a distance of one hundred and thirty miles. The out-croppings of the coal have been found at a number of places, and one of them is worked to a limited extent on the Salmon River, at the head of the Grand Lake.

During the present month, I have been highly gratified at the discovery of the old red sandstone and carboniferous limestone underling the southern side of a coal basin extending to Fredericton and Gagetown, where it is evident coal may be obtained in large quantities.

These coal measures are covered in some places by new red sandstone, gypsum and secondary limestone, which afford a most excellent soil; and throughout the whole province there are extensive tracts of land with rich intervals, which will grant a certain reward to the labours of the agricultural settler. Many of these tracts are still covered with excellent timber, and so far as I am informed, they are ungranted by the Crown.

Of the geological features of the north-western sections of the province I am unable to make any report, as they have not yet been explored. It is nevertheless probable that they contain minerals equally as valuable as those of the eastern districts.

I have, &c.

To Captain Tryon, Private Secretary,  
&c. &c. &c.

(signed) *Abraham Gesner.*

St. John, 29 September 1838.

#### REPORT.

To his Excellency Major-general Sir John Harvey, K.C.B. and C.B., Lieutenant-general and Commander-in-chief of the Province of New Brunswick, &c. &c. &c.

May it please your Excellency,

AGREEABLE to your Excellency's directions, I have proceeded to commence a geological survey of the province; and beg leave to report, that since the 1st of June last, I have been engaged in exploring the county of Charlotte and the coast bordering on the Bay of Fundy.

It affords me much pleasure to state, that from the examination already made, the most useful and important results are likely to follow, both in regard to the agricultural and commercial interests of the country; and the science of geology itself cannot but be more or less improved by the facts discovered in a province hitherto unexplored.

The most important substances already found in the county of Charlotte are marl, granite quarries, iron, lead, copper ores and mineral springs. Specimens of the granite and ore are herewith forwarded to your Excellency.

I first discovered the marl upon the shore of the St. Croix, but it has since been found at numerous places along the coast and in the interior of the country. It contains a large quantity of the carbonate of lime, and therefore almost every kind of soil will be improved by its application.

A beautiful variety of granite occurs at the Warring River, where it empties into the St. Croix. At Oak Point also an abundance of this useful rock may be quarried, and readily shipped down the Scoddie. Iron appears frequently in the state of oxides, and combined with sulphur; from the former, ochres for pigments can be manufactured, and the sulphuret will afford both alum and coppers.

Lead ore has been discovered at Campo Bello, but during a diligent search on every part of the island, I was unable to find a vein of sufficient thickness to admit of profitable running.

On an uninhabited part of the shore between the mouths of the Digdeguash and Magaguadavic, I found a narrow vein of copper ore; this I am confident is connected with a much richer deposit, as the rock for several miles in circumference is highly metalliferous.

There are several mineral springs in the neighbourhood of St. Stephen's, their waters will be analysed before my general report is made, and as early as time will allow. The geological features of the country are extremely interesting, a range of mountains extending from the St. Croix to the St. John has been thrown up by volcanic eruptions, which have changed the character of the secondary rocks, and broken up their once level strata.

The tertiary deposit which embraces the marl, abounds in marine shells and zoophytes; all these shells are of recent species, excepting three; these are extinct in all the climates of the earth in its present condition.



It is to be regretted that the grant of the province to make the survey is so limited ; the whole sum will scarcely be sufficient to meet my travelling and other incidental expenses, and I am prevented from exploring veins of ore with labour adequate to their importance.

I cannot but hope that this brief outline of what has been effected by geological exploration will meet with approval. A full report of all my proceedings will be made to your Excellency as early as possible, and no labour will be withheld to render the survey as perfect as my abilities will allow.

I have, &c.

St. John, August 7, 1838.

(signed) *Abraham Gesner.*

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NOTE by Sir *John Doratt*, M.D., relating to Appendix (A.) No. 3.

THE only hospital appertaining to the city of Quebec is one denominated "The Marine Hospital," in a very unfinished state, having one wing erected, the other only in foundation. The building in its present state admits between 70 and 80 patients ; receives only emigrants and seamen by act of the legislature, being supported by a capitation tax on emigrants, and a tonnage duty from the shipping.

The hospital belonging to the convent of L'Hotel Dieu, at Quebec, admits from 25 to 30 patients, partly supported by the revenues of the convent, and aided largely by the legislature. This institution admits persons of every class and religion, but refuses admittance to all persons labouring under contagious diseases.

(signed) *John Doratt*, M.D.



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